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Report of the Native Affairs Commission for the years 1927-1947 (incomplete)

South Africa. Native Affairs Commission

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Mr. Plaatje supported Mr. Jabavu. He drew attention to the inconvenience caused to delegates by having to leave their work on such short notice. He considered the remuneration of 12s. 6d. per day paid to delegates very small, especially when it was compared with what was paid by the Transkeian Territories General Council and the Council in Basutoland.

It was a complaint in the Transvaal that the Education Department had given instructions that Sepedi should be the medium of instruction to Native children. He hoped the Minister would see to it that the Education Department should not introduce such drastic changes without consulting the Native Affairs Department.

The Institute of African Languages had recommended a method of spelling all Native languages alike. Such changes should only be made with the Minister's consent after consulting the people.

Mr. Jansen said that Mr. Plaatje had brought the meeting under a wrong impression. No alterations in the educational system had been made, they were only under consideration.

There seemed to be a good deal in favour of uniformity of spelling—a question under consideration of the Education Department—but he would give the matter careful attention if submitted to him.

The question of the medium of instruction of Native children was still under the consideration of the Education Department and no instructions had yet been issued. Even if the medium of instruction was a Native language, one or other of the official languages would still be taught. Educationalists throughout the world said that the most effective way of teaching the young was through medium of the language known to the child and for that reason it was considered in connection with Native education in South Africa.

In regard to the complaints as to allowances to delegates it should be remembered that the bodies with which this Conference had been compared had extensive powers which the Conference did not have. The Natives had been clamouring for a Conference and he took it delegates were prepared to make some sacrifice for their people. He did not think it was possible to increase the allowances of members at present. It was, however, a reasonable request that the expenses of the attendants of Chiefs should be paid. He knew that a Native Chief of high rank could not travel unattended. He had given instructions that the expenses of all attendants who had actually accompanied Chiefs to this Conference should be paid and it would be decided before the next Conference how many attendants would be allowed to accompany Chiefs in future at the expense of the Government.

The function of the Conference was to advise the Government as to the feelings of the people and what was going on in their minds. The speeches were noted and serious consideration was given by the Government to the resolutions. Though the resolutions were not binding he could give them the assurance that they would be very carefully considered by the Government.

The framing of a constitution was a difficult matter, but in one of the Prime Minister's Bills provision was made for councils for each of the Provinces and these councils would be on the same lines as the Transkeian Territories General Council.

A matter which would have his consideration in the near future was whether it would not be possible to have conferences for different areas or groups of tribes. That would obviate the many interpretations and more delegates could attend. The question of representation and of having a standing committee would be considered, and also whether there was not a more suitable centre for calling a Conference of this kind.

The Minister continued: " I cannot give a definite assurance with regard to the regularity of the Conference. It is my intention to have the Conference as often as may be necessary and I hope that it may be annually. I may say this, that unless there are special circumstances why it should not be held, my policy will be that it will be held, but if the Conference should not be held for any particular year I don't want you to be disappointed. I do not want to raise false hopes, that is why I speak in this way.

Representative on Phelps-Stokes Lectureship Committee.

Mr. Barrett gave information on this matter.

The Chairman suggested that the nomination of a representative be left over for the present until agreement could be reached among the delegates.

The Advisability of Single Natives paying Local Tax.

The Chairman said that this question had nothing to do with the Government. It was merely a question of more revenue for the local councils. It was suggested to make the same persons liable for local tax as now paid poll tax.

Mr. Cingo (Pondoland) "From where does this request for this increased taxation come?"

The Chairman: "From the Transvaal, and I think also from certain councils in the Cape."

Mr. Njokweni (Peddie) said that the £1 paid by single men was quite enough, that the people could not bear any increase in taxation, and he proposed that this should not be done.

Mr. Maci (Kingwilliamstown) supported *Mr. Njokweni* and said that even if times were prosperous this would fall too heavily on the people.

Chief Kgolokoe supported the suggestion that the young men should be liable for local tax.

Mr. Bhulose (Durban) said that there was no local council where he came from. The people wanted one but were afraid of increased taxation. If this tax were imposed the people would turn against local councils.

Mr. Majola (Msinga) was opposed to increased taxation which would make the people kick against the council system in Natal where it was still in an experimental stage.

Mr. Makateng (Potgietersrust) said the local council was a good thing but was not yet understood. If this tax was imposed the people would be frightened away from it. It was thought schools would be built out of local tax funds but that was not being done. Also his people wanted to buy land and the taxation would be too heavy.

The Chairman said that there was no necessity to continue the discussion. The general opinion of the meeting was clearly against it, and the Government was in no way pressing the matter.

Fourth Day.

Friday, 12th December, 1930.

Mr. Plaatje (Griqualand West) said that they did not have any nominee as their representative on the Phelps-Stokes Lectureship Committee. He thought the matter was beyond the scope of the Conference.

Mr. Jabavu said that Mr. Plaatje was not voicing the views of the whole Conference. They would make a nomination later.

Dr. Roberts again explained the proper position.

The Minister returned to the Conference.

Native Education.

Mr. Jabavu said that it was the duty of the State to supply educational facilities for the poorer classes of the population. He said that those who were able to pay should help those who were not able to do so. The new principle had been introduced six years ago by which Natives only derived educational benefits from money paid in by themselves—this was contrary to the usage of civilized countries as the Natives derived no benefit from indirect taxation paid by them.

The Minister had said that the Government paid a lump sum towards Native education but this meant that while the number of children in the school increased the income for Native education remained the same. For the European, Indian and Coloured populations the funds were increased in proportion to the number of children in the school. The expenditure on the education of European children worked out at £15 per child per annum, for Coloured and Indian education at £5 per child, while for Native education the figure was £2 per child. He did not claim equality with the Europeans or even with the Coloured, but he urged that there should be a reasonable increase in accordance with the requirements. He considered that even £3 per child would supply the needs for this year. He suggested that funds should not be paid in a lump sum but on a *per capita* basis.

As to teachers' salaries he urged that their scales approved by the Minister and by the Government in 1928 should be implemented, although he had already proved to General Hertzog and Minister Havenga that those scales were too low. He therefore moved the following:—

(1) That in view of the growing needs of Native education which have not received recognition since the 1925 Durban Conference on Financial Relations Act which laid down a rigid limit to Government allocations to Native education, this Conference urges that the present system of financing Native Education strictly on a fixed sum and on direct contribution by the Natives be now abandoned in favour of a capitation system from general revenue such as obtains for both European and Coloured education,

(2) The Conference further recommends that the Government adopt the suggestions made in the following reports:—

(*a*) Report of the Provincial Finances Commission, 1922-1923, page 41; and

(*b*) Report of the Superintendent-General of Education, Cape Province, 1927-1928, page 48.

(3) That this Conference requests the Minister of Native Affairs to urge the Minister of Finance to provide the necessary funds, out of general revenue, required to implement the scale of salaries authorized in 1928 by the Minister of Native Affairs for the payment of Native teachers in the Union.

Rev. Mahabane (Orange Free State), in seconding the motion, said that Native education was suffering on account of the lack of proper accommodation. The missionary societies which in the past had built schools had reached the limits of their capacity to build and now thousands of children were growing up without educational facilities.

He said that £886,000 of the money paid in Native taxation went to general revenue. They knew that the Natives had to share in the general expenses of the State but they thought that their position should be favourably considered by the Government as they were a child-race and they contended that a larger sum should be allocated to Native education than was at present the case.

Mr. Jansen said that the Government would do everything possible to bring about a better feeling but the leaders should give the people all the facts, as many of their grievances were based on a misapprehension as to the true state of affairs. The first part of Mr. Jabavu's motion contained an incorrect statement. The sum expended on Native education was not rigid. In 1925 it amounted to £340,000, now the amount was £599,000. Before 1925 the provincial councils provided money for Native education and they had the right to tax the Natives. They did so as those who reside in the Transvaal know. The provincial councils wanted more and wished to impose greater taxation. The Union Government, therefore took away that right from the councils and paid them in a lump sum of £340,000 which they said was at that time expended on Native education. This sum was to be given yearly and in addition money for expansion would be derived from general tax. One-fifth of the general tax collected would be used for that and for the general advancement of Natives. Rev. Mahabane is correct, the Native should share in the expense of the general administration of the country. This matter has now been referred to the Economic Commission and when it reported the position would be made clear. An attempt had been made in 1925 to meet a difficult position. As time went on they would learn by experience. The question of expansion of Native education was having his serious consideration, but if they asked for a contribution towards Native education out of the general revenue at a *per capita* basis there were two dangers. Firstly, if they wished to be dealt with on the same basis as other parts of the community they would have to come under the provincial councils again and some councils at least would impose further taxes. Secondly, they might get less than they were getting. He said no comparison could be made between the amounts paid towards Native Education and towards European education as the circumstances were different and all circumstances had to be taken into consideration. Figures would give them nothing. With the report of the Economic Commission before them they would be in a better position to judge.

Mr. Jabavu thanked the Minister for what he had said. They were now in a position to grasp why the authorities had turned down some requests which the Natives considered just. He explained that they would prefer a lump sum calculated per child and did not want to be placed on the same basis as Europeans. The present machinery should stand until the sum should be calculated per child and not definitely fixed.

Dr Roberts said that he had supported the creation of the Development Fund and that the Minister had indicated some of the reasons for danger. It had weighed with him that the Natives should have a fund of their own. Education meant infinitely more to a Native child than to a European child. He said that the *per capita* proposal by Mr. Jabavu had been given up by almost all educationalists as an unsound policy. The Native Affairs Commission had always desired to help Native education and he was still convinced that the Native Development Account was necessary for the Natives. He would welcome the idea of a round table conference as many of the members would go away from such a conference wiser than they came.

The Chairman said that the Minister was very sympathetic and that one of his first actions after taking office was the appointment of a commission to investigate the economic position of the Natives. One of its terms of

reference was an investigation of this matter. He suggested that the able men amongst the delegates should present their case to the Commission.

Mr. Mapikela (Bloemfontein) wished to know what had become of the Imperial grant-in-aid which had been paid to the Orange Free State in 1907. In the Transvaal the money had been used for the erection of Native schools, but in the Orange Free State only the interest thereon had been available for Native education.

The Chairman explained that the Imperial grant has been invested and that the interest derived therefrom was being used for grants towards higher education. Lately also loans had been granted to municipalities out of the fund to build schools. These loans were made out of the capital sum and the interest was still available for grants for higher education. He remarked that the benefits derived by the Orange Free State from the Development Account had increased at a more rapid rate than in any other Province in the Union. In 1925 they received £5,000, to-day the sum was £40,000 per annum.

Mr. Cingo (Eastern Pondoland) said that Native education was very unsatisfactory in the Cape. In 1925 General Hertzog had made great promises but these had not been fulfilled. He complained that though the numbers of pupils increased in the schools additional teachers were not given. The schools were understaffed and qualified teachers were going without employment.

The Chairman said in regard to the promised grants that last year the Cape had contributed £97,000 towards the Development Account and that they had actually derived from it £105,000 for education and in addition to that a lump sum of £240,000 had been contributed by the Union Government while in the Transvaal the contribution was only £46,000. The Cape had, therefore, no reason to complain. He said that all teachers were on the salary scales approved by the Native Affairs Commission and that during the last financial year every teacher had received an increment. There were 6,000 teachers and the increments alone amounted to £58,000 per annum.

Chief Kumalo (Natal) said that the Education Department had received instructions not to appoint any further teachers notwithstanding the fact that the schools were understaffed, while no increments had been granted in Natal as in the Cape. Further, he complained that European sisters were being trained as teachers for Native schools at Montebello and that they would take up the positions which Native teachers should occupy.

Mr. Thema (Witwatersrand) asked on what basis the money available for Native education was allotted to the various Provinces. It seemed that the Orange Free State and the Transvaal were the sufferers.

In the Transvaal it was a great cause of complaint that the Education Department had decided that Sepedi should be the medium of instruction in Native schools. In the past English had been used and he thought the Native language had not reached that stage of development when it could take the place of English and besides the Native language had no commercial value to the children who wished to enter the service of Europeans. The people should be consulted before any change was made. Speaker was not opposed to Native languages being taught in schools.

The Natives had now reached a stage when they could regulate these matters for themselves. They had their professors, teachers and other highly educated men and it was up to the Europeans to hand over the control of educational policy to the Natives themselves who would alone be responsible. He thanked the Europeans for what they had done in the past but their help was no longer required.

He therefore moved the following:—

> " This official Conference of representative Natives from all Provinces of the Union views with great anxiety the proposal of the Transvaal Education Department to substitute a Native language for English as a medium of instruction in Native schools.
>
> " The Conference wishes to point out that interest in Bantu languages can well be fostered, as is done in the Cape Province, Basutoland, and other parts of South Africa, without dropping English as the medium of instruction. It urges that Native languages be taught as compulsory subjects in all Native schools including the training colleges, and English be kept as the medium of instruction in such schools throughout the Union.
>
> " No good purpose will, in the opinion of the Conference, be served by the enquiry at present held by the Advisory Board on Native Education in the whole matter of the medium of instruction, as the entire proposal is strongly opposed by the Natives as not being

in their best interest as a people. The Transvaal Education Department is, therefore, respectfully requested to abandon the enquiry, and to withdraw or cancel all instructions issued by inspectors of schools in regard to the use of Sepedi as the medium of instruction.

"The Conference further urges that provision be made for the appointment of two Native representatives (one for urban Natives and the other for rural Natives) to represent the Natives on the Advisory Board. The Board, as at present constituted, represents the official view, the interests of the various religious denominations, and the Transvaal African Teachers' Associations only."

Mr. Jansen replied that he was very interested in the remarks and complaints made. He did not intend to say much about the question of the medium of instruction. It seemed to him that the object of education was to develop knowledge not merely to learn a language and educationalists throughout the world said that the best way of preparing a pupil was to build on what he already knew. The authorities had to take such expert opinion into consideration. It did not mean an official language would no longer be taught, only it would not be the medium of instruction. But this was purely a question for the provincial authorities.

The available money was allocated in the following way: The provincial administrations furnished estimates of their expenditure every year, and these were considered by a conference consisting of representatives of the four Education Departments and the Native Affairs Commission. As is the case with all estimates they exceed the money available and after discussion the distribution is made. As far as possible justice was done to every Province but the expenditure had to be fixed according to the revenue. The Cape got so much because Native education there had the advantage of a start of many years and it had outgrown the other Provinces. In 1925 out of the sum of £340,000 expended on Native education in the Union £240,000 was expended by the Cape alone. The increase in expenditure in the other Provinces had proportionately been greater than in the Cape but the total expenditure in the Cape was greater.

Rev. Mtimkulu (Capetown) said that it was a cause of complaint in the Western Province that the expenditure per child on Native educaton was so much less than on Coloured education. The result was that teachers in two schools in the same location holding the same certificates were paid different salaries—the teacher in the Native school being paid less than the one in the Coloured school. Naturally all qualified teachers tried to get posts in Coloured schools and the less desirable class of teacher was left for the Native school.

Natives paid the same indirect taxation as the Coloured people and in addition have to pay general tax.

He agreed with Mr. Thema that Natives taught in their mother tongue only up to the 4th Standard derived no commercial advantage from their education. He also insisted that Natives should be consulted in matters of this nature.

Mr. Zibi (Rustenburg) pleaded the case of schools in rural areas as against that of schools in urban areas which had been presented by the previous speakers. It was particularly in rural areas that help was needed. He asked for funds derived from local tax for the erection of a school which the inspector had ordered to be completed by January.

Chief Kgolokoe (Sekukuniland) spoke in opposition to the use of Native languages as media of instruction.

Mr. Sehlogo (Pretoria) supported what Mr. Thema had said. Several different languages were spoken by Natives of Pretoria yet all of them would now have to be taught through medium of Sepedi. This was not merely a question which was still under consideration, the instruction to that effect had actually been issued and would cause trouble among the Natives. He asked the Minister to interest himself in the matter to have an enquiry held, and to obtain Native opinion. It seemed the experts who had given recommendations in this matter were actuated by self-interest in order to dispose of the books written by them in Sepedi.

Mr. Mangope (Marico) supported Mr. Zibi in his plea for the erection of schools in rural areas. The Native Affairs Commission had said that the local tax would be of great assistance to them in this matter but no notice was now taken of the schools.

Mr. Makateng (Potgietersrust) supported what Mr. Zibi and Mr. Mangope had said. He produced a letter stating that he had been specially requested to speak on this subject of the erection of schools in rural areas. It had been promised that the local tax would be used for that purpose and now that was not being done.

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

The Chairman said that the financial basis in regard to Native education had been decided upon at the Durban Conference held in 1925 between representatives of the Treasury and the four Administrators. As the Department was not in possession of the minutes of the Conference it was difficult to say what transpired there but the result was the Financial Relations Act, 1925. That the Government was anxious to reconsider the position seemed clear, otherwise the Native Economic Commission would not have been appointed. As the position was under review it would seem a waste of time to discuss the question at this stage.

The reply to complaints in regard to the understaffing of schools was simple. The sum of £250,000 represented the revenue derived by the Development Account out of the poll tax, while £247,500 had this year been paid from the Development Account to the provincial administrations towards Native education. A larger sum had thus been expended than had come in and the education authorities had to be told they should not expect funds for more teachers and more schools from the Development Account. No portion of the money could be made available for the erection of buildings. That principle had been laid down. The people of the locations should provide them in the other Provinces just as the people in the Cape had done.

Mr. Jabavu's motion was put and carried.

Mr. Thema's motion was thereupon put forward and carried.

The Registration of Customary Unions.

The Chairman said that this was a wide subject and it was rather late now to start a discussion of it. It was a question intimately affecting the people and perhaps delegates might wish to consult them first as some held very strong views on the question.

It was agreed that the matter should stand over until the next Conference.

Hospital and School Buildings in Native Locations.

The Chairman said that the position was the same with regard to hospitals as to school buildings. Some grants had been made but generally no money was available.

The Provincial Councils were agreeable to allocate money for Native hospitals on the same basis as for Europeans, viz. pro rata on the amount contributed by the people, but Natives did not supply their share.

He suggested that this matter should stand over too.

Agreed that the matter stand over.

MOTIONS.

1. *Native Appeal Court.*

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

> "That the staus of the Native Appeal Court and the President thereof be raised and Provincial Divisions of the said Native Appeal Court be created."

Mr. Matibela said the Native Appeal Court had taken over part of the work, viz. all civil and divorce cases, of the Native High Court in Natal. It had the same functions in the Transvaal. As the court was actually doing Supreme Court work the President of the court should be styled a Judge and the members should wear robes for the sake of dignity.

There was no reason why the Native Court of Appeal should be less dignified than that of Europeans.

Further, he stated that there was always a rush of work on and it would be better if the court could be divided into four Provincial Divisions.

Motion carried.

2. *Trading Licences in Urban Locations.*

Mr. Godlo, seconded by Mr. Mapikela, moved:—

> "That this Conference respectfully requests the Government to amend the Second Schedule to the Licences Consolidation Act, No. 32 of 1925, by bringing urban Native villages or locations into line with the Native territories in so far as the scale of charges for trading licences are concerned."

Mr. Godlo explained that the Natives (Urban Areas) Act Amendment Act, 1930, had amended the law so as to allow certain trading facilities to

Natives in urban locations, but the licence fees under the Licences Consolidation Act, 1925, were prohibitive. The Licences Act, however, made provision for reduced fees in Native territories [NOTE: This is erroneous. The mover's attention was informally drawn to the true state of the law] and he suggested the law be amended to grant similar relief in urban locations.

Mr. Mapikela, as seconder, said it was a general complaint that licence fees were too high for Natives, particularly as it was customary for them to apply for licences through attorneys which made the fees still higher. It created an artificial barrier.

If Natives could have businesses in locations they would employ large numbers of other Natives.

He mentioned eating-houses in particular.

The Chairman said the Department was already in communication with the Commissioner for Inland Revenue who had promised to favourably consider a reduction of the tariff for eating-houses when an amendment of the Act came before Parliament. It was not necessary to put the matter to the vote.

3. *Natives (Urban) Areas Act. (a) Municipal Advisory Boards.*
Mr. Sehlogo moved:—

> "That in view of the fact that the municipal advisory boards established under Act No. 21 of 1923 have failed to fulfil the object for which they were intended, the Government be requested to introduce a provision in the Act which will require that the position of superintendent of locations throughout the Union should be filled by persons who have qualified in public administration or any law examination recognized in the Union."

Mr. Mapikela explained why the Bloemfontein Advisory Board was a success.

Mr. Godlo said that the Conference should not involve all advisory boards in the Union without having studied the matter. He asked the mover to withdraw the motion.

Mr. Sehlogo refused to withdraw.

The motion fell as no one seconded.

Entrance of Women into Urban Areas.

Mr. Godlo, seconded by Mr. Sishuba, moved:—

> 1. "That section 7 (*a*) of Act No. 25 of 1930 be amended by the exemption of married women whose husbands reside in proclaimed areas, and in the case of unmarried daughters whose fathers reside in such areas, from the operation of this clause."
>
> 2. "That the provisions of section 8 be suspended pending adjustment of the land question."

Mr. Godlo said he was not opposed to the regulation of the movements of unattached females but it was contrary to all laws to prevent married women from joining their husbands, or unmarried daughters their fathers, unless such husbands or fathers had resided in the area for a fixed time.

Mr. Sishuba said these provisions of the Act imposed hardships on people who wished to look for work in urban areas.

The motion was carried.

4. *Old Age Pensions.*

Rev. Mahabane, seconded by Mr. Godlo, moved:—

> "That this Conference of Native Chiefs and leaders desires to bring to the notice of the Government the great hardships from which aged Bantu men and women are suffering as a result of the economic system of the present age.
>
> "The Conference respectfully, yet strongly, urges the Government to take into its favourable consideration the expediency of introducing a Bill to amend the Old Age Pensions Act so as to include in its scope members of the aboriginal races of the land."

Rev. Mahabane said that the old people were poor. Owing to the economic pressure and the loss of parental control the custom that children should support their parents had fallen into disuse and the old people were suffering great hardships.

The Natives also paid taxes, why was there a discrimination against them when it came to Old Age Pensions?

Mr. Sishuba supported the motion and wanted to know what became of the 16s. out of every £1 general tax paid by Natives.

Mr. Jansen replied that the grant of £340,000 by the Government towards Native education represented much more than a second 4s. in the £. The Natives should bear their share of the cost of general administration of the country and had the privilege of not being taxed by the Provincial Councils.

The custom of children supporting their parents was falling into disuse, he admitted, but many Natives were still following it and it would be a misfortune for the Natives if the custom altogether went out of use.

The discrimination between Europeans and Natives was on account of the entirely different conditions prevailing. There was not much likelihood of the benefits of the Act being extended to Natives. If this were to be done Europeans would immediately demand that Natives should pay more taxes.

The motion was carried.

Mr. Jansen said he was pleased of the opportunity of meeting this Conference and was sorry he had been unable to be present continuously.

The resolutions and discussions would have his careful consideration. He had tried to be quite open with them. Where he could meet them he had endeavoured to do so and where he knew their request could not be granted he had told them so.

He thanked them for the spirit which had prevailed on the whole. As far as he was concerned he would not hesitate to call future Conferences to obtain their views.

He wished them a safe return home.

Mr. Jabavu said the Conference wished to thank the Minister for his parting words. It was the first time they had received so much attention from a member of the Cabinet.

Mr. Godlo identified himself with what Mr. Jabavu had said and wished the Minister and the Department every success in their efforts.

Chief Kumalo hoped the best would be done for the Natives.

Rev. Mahabane proposed a vote of thanks to the Chairman for the ability with which he had managed the Conference.

Carried with acclamation.

The Chairman thanked the Rev. Mahabane and the Conference for the motion. He also thanked the Conference for the dignified manner in which the work had been done.

He declared the Conference closed.

UNION OF SOUTH AFRICA

REPORT

OF THE

NATIVE AFFAIRS COMMISSION

FOR THE

Years 1932-1933

Published by Authority

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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.

In terms of Government Notice No. 2004 of 1920 the Native Affairs Commission beg leave of Your Excellency to present a report of its work for the years 1932 and 1933.

During the two years regular meetings of the Commission were held, also meetings in Committee of the appointed members of the Commission to deal with ordinary routine work.

A description of the doings of the Commission and inquiries undertaken by it, is attached, together with supplements of reports presented by the Commission in connection with certain inquiries, discussions and recommendations that were made.

P. G. W. GROBLER,
Chairman.

ALEX. W. ROBERTS,
P. LE ROUX V. NIEKERK,
J. B. WESSELS,
Members of the Commission.

P. VAN BILJON,
Secretary.

Pretoria, 31st December, 1933.

Appointment of Member of Commission.

1. During the first quarter of 1932 Dr. A. W. Roberts and Senator P. le Roux van Niekerk were still engaged on the Native Economic Commission in connection with the compilation of the report, but at the same time they also performed the ordinary duties of the Commission.

2. On the 1st April, 1932, Mr. J. B. Wessels, M.P., was appointed a member of the Commission in place of Dr. C. T. Loran, so that from that date the Commission was again at full strength in terms of the provisions of Section 1 of Act No. 23 of 1920.

The Chairman and other members of the Commission welcomed the appointment of Mr. Wessels not only as a member of the Commission, but as a colleague, and felt convinced that with his ripe experience he would be able to render valuable service on the Commission.

Deputy-Chairman.

3. The Honourable the Minister of Native Affairs has also, in terms of Section 1 of Act No. 23 of 1920, designated Mr. J. F. Herbst, C.B.E., Secretary for Native Affairs, as Deputy-Chairman of the Commission to replace the Honourable the Minister in his absence at a meeting.

Secretary to the Commission.

4. At the commencement of 1932 a change was also effected in the personnel of the Commission by the promotion of the Secretary to the Commission, Mr. R. S. Medford, B.A., to Chief Clerk in the Department of Native Affairs. Mr. Medford was Secretary to the Commission since its establishment and rendered valuable service during his term of office for which the Commission expresses its appreciation; and wishes him a happy and meritorious future career.

5. Mr. P. van Biljon, M.A., Registrar of the Native Appeal Court (Transvaal and Natal) was appointed Secretary in place of Mr. Medford as from the 1st April, 1932.

Inquiry—Dispute Brandfort Location.

6. Various inquiries were undertaken by the Commission during the two years.

At the request of the Honourable the Minister of Native Affairs the Commission in June, 1932, instituted an inquiry in connection with certain difficulties in the Brandfort Location which were brought to the notice of the Honourable the Minister by the inhabitants of the location by way of a

petition; these difficulties arose as a result of the attitude adopted by the local municipal authorities against representatives of the Location Advisory Board in regard to the sale of houses by the Town Council for the non-payment of monies which were owing; the treatment of natives by police officers; the alleged unsympathetic attitude of the magistrate towards the Advisory Board; the levy of alleged unreasonable taxes by the Municipality; the unlawful interference by officers of the Council in matters that concern the Advisory Board, and complaints regarding unemployment which was rife in the location.

7. The Honourable Senator Van Niekerk, accompanied by the Secretary to the Commission met the delegates of the Council and the inhabitants of the location; and submitted a report to the Honorable the Minister.

INQUIRY AS TO COMPLAINTS CISKEIAN NATIVE CONVENTION.

8. By direction of the Honourable the Minister Dr. A. W. Roberts as a delegate of the Commission conducted an inquiry during June, 1932, and submitted a report in connection with representations made to the Minister by the Ciskeian Native Convention, at which the following matters, which caused a great deal of friction were put forward:—

(*a*) The manner in which dog tax was being collected;

(*b*) the appointment of more members on the local councils;

(*c*) the granting of bursaries to native schools;

(*d*) the appointment of a native as secretary and treasurer of the local councils;

(*e*) greater executive powers to local councils.

9. The Commission investigated the complaints that were submitted by the members of the convention and gave its views thereanent, of which the following is a brief summary:—

10. With regard to the collection of dog tax, this is a matter over which the Department of Native Affairs has no control, as such taxes are imposed and collected by the divisional councils of the Cape Province.

11. In connection with the request that more members be appointed on local councils so as to make provision that tribal entities are better represented, the Commission is of opinion that, apart from the fact that the funds at the disposal of the Department do not permit of extension, it is undesirable that election to local councils should take place according to race or tribe and that such a tendency among the natives concerned should be strongly condemned.

12. Regarding the request of the convention that bursaries be provided for native schools, the Commission considers that the matter be left in abeyance for the present, as revision of the whole of the educational position is pending and in addition because the funds set aside for native education do not warrant further expenditure under the present state of depression.

13. With regard to the request of members of the convention that local councils should have the power to appoint a native as secretary and treasurer, the Commission feels that the natives are in this respect more concerned with the underlying principle than with the attainment of a more efficient control over the funds. At present the post of secretary and treasurer is being carried out by an officer in the magistrate's office, where a proper system of book-keeping is in vogue so that the work is properly done without any great expense. The Commission considers, therefore, that, for the present, it is not prepared to recommend such a change.

14. With regard to the request that local councils be given more executive powers the Commission is of opinion that natives should have more confidence in the officer charged with the execution of the resolutions of the Councils, and is, therefore, not prepared to recommend any change in this direction.

LABOUR CONDITIONS: NATAL AND ZULULAND.

15. In September, 1932, at the request of the Honourable the Minister, the Commission instituted extensive inquiries into the labour conditions in Natal and Zululand in general and particularly on the sugar plantations.

16. The extent of the inquiry can be summarized as follows:—

(*a*) The limitation of labour recruiting in malarial areas for non-malarial areas and *vice versa* (according to the report of Dr. Swellengrebel);

(*b*) the extent and availability of labour that would be immune to malaria;

(*c*) the scarcity of native labour as would appear by the use of imported labour and the reason therefor;

(*d*) the alleged unwillingness of Natal natives to work and the cause of it;

(*e*) whether housing and other conditions or wages in general, are satisfactory.

17. With reference to its investigations under the above headings the Commission has been requested to make suggestions for the solution of the unsatisfactory labour conditions in Natal and Zululand, either by way of legislation or otherwise.

18. The Commission visited the most important labour centres in Natal and Zululand, listened to the detailed evidence of both Europeans and natives competent to give evidence, made inspections in loco at different places and had interviews with representatives of employers and employees.

19. A summary of the Commission's recommendations and suggestions is contained in Annexure " A " to this report.

Native Education.

20. At the request of the Honourable the Minister the Commission investigated the heading Native Education under the heading Native Development Account, and submitted its findings and recommendations to the Minister. As this matter is of such great importance a brief explanation of it is set out in Annexure " B ".

Trading Licences in Orange Free State Urban Locations.

21. On the invitation of the Orange Free State Municipal Association the Commission sent a delegate to represent it at the Annual Conference, especially with a view to the dispute that exists in connection with the granting of trading licences in urban locations and the establishment of native schools within the area of Free State cities and towns.

22. Senator Van Niekerk, accompanied by the Secretary to the Commission, attended the conference. As the matter has, however, not yet been finally disposed of, a brief résumé is given below of the attitude which the Orange Free State Municipal Association adopts in connection therewith:—

(i) The native is permitted to be in urban locations only for the convenience of the European employer and no trading facilities may be granted to him.
(ii) Unfair trade competition will arise.
(iii) Trading by natives in urban locations will result in illicit liquor trading.
(iv) Trading in urban locations and the establishment of schools in towns, are in direct conflict with the principle of segregation and encroach on the established rights of the white man; consequently the principles of the former republic are being undermined.
(v) All permissible trading in urban locations must be left in the hands of the municipalities.

Deputation: Orange Free State Municipal Association.

23. At the request of the Orange Free State Municipal Association the Commission also received a deputation in Capetown on the 2nd February, 1933.

The deputation again adopted the same attitude as set out above and submitted the following definite proposals:—

(*a*) That Sections 118 to 121 of Ordinance No. 35 of 1903 of the Free State be revived;
(*b*) that Sections 103 to 109 of Ordinance No. 6 of 1904 of the Free State be revived in so far as they have been repealed by the " Natives (Urban Areas) Act of 1923 ", and in so far as this section has reference to natives and native locations;
(*c*) that legislation be introduced prohibiting the establishment in towns (European section) of native churches, schools and places of amusement;
(*d*) native trading in (i) towns (which is permissible under the present law), and (ii) native locations on town lands, to be prohibited.

24. Your Commission felt that these proposals are of far reaching effect and that a definite recommendation be postponed until such time as the Select Committee on Native Affairs is able to present its recommendations and a report of its work.

It would be premature to come forward with a recommendation in connection with the matter, for that would mean taking resolutions on pending legislation which would lead to greater confusion rather than result in a satisfactory solution. The deputation of the Orange Free State Municipal Association was therefore advised accordingly.

Inquiry Dispute: Urban Area of Nuwe Pietersburg.

25. By direction of the Honourable the Minister of Native Affairs your Commission inquired into and submitted a report on certain representations that were addressed to the Honourable the Minister by way of a petition by the inhabitants of Pietersburg and the adjoining suburb of Annandale to the effect that the suburb of Nuwe Pietersburg be proclaimed in pursuance of Section 5 (1) of Act No. 21 of 1923 (Urban Areas Act) as amended by Act No. 25 of 1930.

26. In January, 1932, the Town Council of Pietersburg made application to the Department of Native Affairs to the effect that the urban area of Pietersburg be proclaimed in terms of the Urban Areas Act, with the exception of the existing location, the native school Khaiso, and the new urban area known as Nuwe Pietersburg.

After lengthy correspondence between the Town Council of Pietersburg and the Department of Native Affairs the urban area of Pietersburg was proclaimed for purposes of segregation by Proclamation No. 83 of 1932 in pursuance of the provisions of the Urban Areas Act.

27. The petitioners lodged objections against the exclusion of that portion of Pietersburg known as Nuwe Pietersburg, and pointed out that it would be undesirable that erven in the excluded urban area should be sold to natives and thus establish a new native township.

28. The Town Council advanced as a reason for the exclusion that the area in dispute was eminently suitable for the establishment of a native township, that the existing location does not afford room for extension and that native town dwellers in Pietersburg could secure a fixed place of abode there. It appeared from the inquiry that a considerable number of erven had already been sold to natives and houses had already been erected.

29. On principle, the Commission is opposed to the creation of new townships. Without abandoning its principle your Commission felt, however, that although it would be in the interests of the Town Council of Pietersburg to have Nuwe Pietersburg declared a native location, it would, as a matter of fact, in view of the already existing rights of the natives who had purchased ground there, be undesirable to make any recommendation for the incorporation of Nuwe Pietersburg, as the Town Council would then not only have to repurchase all the existing rights of native lot-holders, but it would also cause a great deal of discord and misunderstanding among the natives; at the stage when your Commission was conducting its inquiry the matter had already developed too far.

30. As your Commission is under the impression that legislation regarding the purchase of ground in urban areas will shortly be presented to Parliament and as the Town Council of Pietersburg, as local authority, is strongly opposed to the inclusion of Nuwe Pietersburg and your Commission fully realizes the grounds of opposition, your Commission has recommended that action in the matter be postponed in anticipation of the legislation above referred to.

Applications from Denominational Bodies for Recognition.

31. In terms of the First Report of the Select Committee on Native Affairs, 1925, all applications submitted to the Department of Native Affairs for recognition of denominational bodies, are referred to the Native Affairs Commission for its recommendation and report as to the validity or otherwise of the existence of the church or denominational body concerned.

32. During the two years 40 applications from denominational bodies were submitted to the Commission for its report. Only one of these bodies was recommended for recognition.

33. The Commission feels that it must record its strong disapproval of the manner in which some of these denominational bodies are brought into being.

34. The Commission is convinced that denominational bodies often ask for recognition merely because they would like to enjoy material privileges from the Government, without there being any dogma or firm religious foundation on which they can base their claims.

35. The increase of sectarian bodies can positively not be considered as an advancement in the christianization of the native; it indicates rather a misconception of what true evangelistic work really is.

36. Apart from the age of the church, its size, and the training of preachers, the Commission adopts the attitude that there must be a necessity for its existence, that there must be stability, the body must be competent financially and educationally, in terms of the First Report of the Select Committee on Native Affairs of 1925.

Grants to Hospitals.

37. During the past two years the Commission granted monetary assistance to ten native hospitals out of the Native Development Account to the extent of £3,345 in 1932 and £3,280 in 1933.

As this account is already heavily burdened it may be appropriate to explain why monetary assistance is granted to native hospitals.

38. In 1928, as a result of the report of the Supervising Committee over Hospitals (U.G. 25-27) a Special Committee was appointed by the Hon. the Minister of Native Affairs to report on the desirability or otherwise of granting certain facilities to native hospitals for the training of natives in medicine and public health.

39. In the report which emerged under the chairmanship of Dr. C. T. Loram, the desirability was expressed that special facilities for the above-mentioned training be provided from the Native Development Account. At the request of the Hon. the Minister the report of the Native Affairs Commission is submitted for his recommendations.

40. Although both the Supervising Committee over Hospitals and the Special Committee were of opinion that moneys had to be provided from native funds for native health purposes, the Commission considers that such moneys should be made available from Union and Provincial funds as in the case of Europeans and non-Europeans, when public health in general is concerned therewith.

41. The Native Development Account has been established, among other things, for the maintenance, extension and improvement of education and the further development and advancement of the welfare of natives (Act No. 41 of 1925) and to provide funds for local governing systems or to be utilized towards local advancement. The Commission felt, however, that, although it disapproved of the use of the Native Development Account for the financing of native health measures, it is justified in considering the matter from the point of view that it is " for the further development and advancement of the welfare of natives " as described in the Act, consequently the Committee has recommended :—

42. (*a*) That approved hospitals which make provision for the requirements of natives may receive grants towards expenses out of the Native Development Account on condition that they make provision for the training of native nurses.

(*b*) That such grants are entirely arbitrary and *ex-gratia* and will be granted only to hospitals and institutions which can justify their existence.

43. These recommendations have been submitted to the Hon. the Minister and thereupon the basis upon which grants will be made to hospitals and institutions is set out in Union Circular No. 31 of 1929 and the new regulation came into operation as from the 1st April, 1930.

44. All applications for grants to hospitals are made to the Department of Native Affairs which submits them to the Commission for its recommendations after applications have been investigated individually.

45. So as to be well acquainted with the requirements of the institutions, the Commission intends visiting them from time to time if it is considered necessary.

Evidence Before the Provincial Finances Commission.

46. At the invitation of the Provincial Finances Commission your Commission gave evidence in connection with native education and native tax.

The head " Native Education " is in a very unsatisfactory position to-day.

The Native Development Account is heavily taxed so that educational expansion is virtually an impossibility.

47. Your Commission considers that under the present Provincial control of native education there are many difficulties attached to grants being paid out of the account for the different Provinces.

48. The present situation indicates clearly that the time has arrived not only for the whole of the native educational system to be revised, but also that a basis of Union control should be adopted.

49. Your Commission, therefore, fully endorses the opinion of the Native Economic Commission as contained in the following words of paragraph 640 of its report :—

> " . . . With a view to the particular nature of native education your Commission considers that it should be managed from one source and is of opinion that the time has arrived for the supervision thereof to be entrusted to an officer of the Union Government."

50. Your Commission does not want to dogmatize in regard to native education, but feels that the kind of education given to the native to-day is too aimless. The particular nature of native education is being lost sight of, the aim being merely to educate without taking the ultimate object into consideration. By means of the centralisation of native education we shall, in South Africa, be able to meet the requirements arising out of the particular nature of the native's education. The view of the Commission in regard to centralisation has been submitted to the Provincial Finances Commission in broad outline.

Convening of Native Conferences.

51. Before your Commission concludes this report, it is compelled to pass a few remarks in regard to the convening of native conferences for which provision is made in Section 16 of Act No. 23 of 1920. Since December, 1930, no native conference has been held.

52. Section 16 of Act No. 23 of 1920 reads as follows:—

"16. (1) The Governor-General may, upon the recommendation of the Commission, convene conferences of chiefs, members of native councils or local councils and prominent natives, and of native delegates invited from any association or union purporting to represent native political or economic interest, with a view to the ascertainment of the sentiments of the native population of the Union or of part thereof, in regard to any measure in so far as it may affect such population.

"(2) Such conferences shall be assisted in their deliberations by persons to be designated by the Minister of Native Affairs, who is hereby empowered to authorize any expenditure which he may consider desirable in this connection from moneys appropriated by Parliament for the purpose."

53. From the above it appears, in the first place, that the convening of such a conference is not compulsory and secondly that such a conference is only convened when it is desired to ascertain the feelings of the native population on any proposed measure that concerns it particularly. The idea that such conferences should be held annually is therefore based on an erroneous conception.

54. Your Commission realizes, however, that the holding of annual conferences may be advantageous for the purpose of exchanging ideas, but then at the same time it must be remembered that such representative conferences are expensive and during the last few years of depression and drought and with the Native Development Account in its present state, only matters of immediate importance to the general welfare of the native should be tackled.

55. In view of the above remarks your Commission did not consider it necessary to convene such a conference and therefore no recommendation is made for the convening of a native conference.

Report of the Native Economic Commission.

56. Although the Native Economic Commission, 1930-1932, had as its object the gathering of facts rather than to make recommendations, the deductions and opinions of the Commission are, however, of such great importance, that your Commission by direction of the Hon. the Minister scrutinized the report very carefully with a view to legislation which may be necessary as a result of the findings of the Economic Commission.

In consultation and co-operation with the Department of Native Affairs your Commission submitted its views to the Minister in regard to certain aspects of the above-mentioned report.

Routine Work of the Commission.

57. During the year your Commission regularly performed the usual routine work such as the consideration of Government Proclamations, applications for the establishment of local councils and the scrutiny of reports of native educational conferences.

58. Your Commission was also represented by one of its members at the usual annual meeting of the Transkeian General Council which was held in April, 1933. A report of the proceedings was submitted to your Commission and the contents thereof have been noted.

59. Your Commission also by means of interviews with bodies and persons interested in native affairs and by granting interviews to natives in particular, constantly remained in close touch with questions concerning the native population.

ANNEXURE "A".

REPORT, INVESTIGATION LABOUR CONDITIONS IN NATAL AND ZULULAND.

"A" The Limitation of Labour Recruiting in Malarial Areas for Non-malarial Areas and *vice versa*, and the Extent and Availability of Labour that would be Immune to Malaria.

1. In his report as embodied in the annual report of the Department of Public Health for the year 1931, Dr. Swellengrebel treats malaria under different heads and aspects.

Considered from a health point of view there is really nothing for your Commission to say. From the evidence of prominent medical officers concerning the combating of malaria, and the manner in which to do it, your Commission cannot do otherwise than concur in the opinions expressed by Dr. Swellengrebel in his report.

2. From the economic point of view, there is no doubt that the appearance of malaria in the sugar area, causes heavy losses to the sugar industry as it affects the labour market to a considerable extent.

3. Under heading " D " of the third division of his report, page 26, Dr. Swellengrebel gives a brief summary of the contributing factors that cause the losses and states on page 30 :—

> " I recommend therefore that all possible facilities be granted to the sugar industry to obtain labourers from areas with a high malaria-endemicity. It is not necessary to particularly survey those areas that are known by experience to produce a grown-up population which is immune to malaria, but if new sources are opened up then a careful survey is desirable in the interests of the planters as well as the labourers."

4. Compared with the evidence that has been adduced, your Commission is struck with this recommendation. Labour, within the Union, which is immune to malaria is not sufficient for the requirements of the sugar industry, as this class of labour is found only in the north-east of Zululand along the coast, and even then this immune labour is only partially available because a large portion of voluntary labour goes to the gold mines on the Reef and other places, and to the cities.

5. In the adjoining territory of Mozambique the labour supply is limited by the Mozambique-Convention. Labour from Portuguese East Africa is actually filtering through to-day unauthorized.

It has been emphasized by prominent representatives of sugar companies that without the assistance of labour that filters through from Portuguese East Africa, the sugar industry will not be able to exist owing to the lack of labour.

6. In his evidence before the Commission (Annexure " A ", page 4, paragraph 26) Dr. G. A. Park Ross, Assistant Health Officer for the Union in Natal, states :—

> " The supply of the type of immune labour which Professor Swellengrebel refers to is, in the Union, entirely restricted to low-lying portions of the Ingwavuma, Ubombo, and Hlabisa Districts. Natives from the higher portions of these districts are no more immune than those of Natal . . . "

This view is supported by different witnesses. Indeed the Zululand Farmers Association have recommended that no recruiting is to be done in the three districts mentioned, but that this area be reserved for the sugar industry.

7. In paragraph 28 of his evidence Dr. Park Ross declares further :—

> " The supply of this immune labour is very limited and is largely tapped by the mines, specially the best of it between Kosi Bay and the head of the St. Lucia. Even if the whole was available, it could only work a fraction of the areas affected by malaria in Natal and Zululand."

This view has been repeatedly confirmed by witnesses.

8. If we take into account, therefore, that the sugar industries absorb approximately 50,000 labourers annually, and that labour which is immune to malaria can only be recruited from a limited area, then we must come to the conclusion that limitations must be imposed as far as possible on the recruiting of immune labour in certain districts in order to reserve labour for the sugar industry.

9. It is difficult to secure reliable statistics of the available labour supply in the areas that are immune to malaria, but if it is taken into account that about 64 per cent. of the total native male population of Natal carry on farming operations and that according to the statistics of the Department of Labour about 23 per cent. of the native labourers on the Reef are used only for work other than on the mines, and that of the balance a large proportion is also absorbed by other industrial centres and employed in different branches of industry, then it can be realized that labour which is immune to malaria must be very insignificant and that it would not be able to satisfy the demand of the sugar plantations.

10. Your Commission fully supports the recommendations contained in paragraphs 894, 895, and 896 of the report of the Native Economic Commission, 1930-1932 :—

> " 894. The Assistant Health Officer of the Union in Durban, in evidence before the Commission, strongly urged the view that the employment in malaria districts of Zululand, which he defined for

practical purposes as north of the Tugela, of natives recruited from non-malarial areas, was uneconomic and a source of danger to the parts of the country from which they came and to which they returned. He instanced outbreaks of malaria as far south as Port St. Johns which were attributable to the return of native labourers carrying malaria from sugar estates where they had been working in malarial country. He suggested that:

> " ' Labour for north of the Tugela would have to be local and preferably from the coast flats of Zululand and Mozambique, as for north as the Limpopo wich affords (unlike Lat. 22°) a definite landmark and accords with our sleeping sickness regulations.
>
> " ' At present natives of Tongaland and those of Mozambique, who are invaluable to us because of their partial immunity to malaria, go to the Transvaal mines, where the immunity to malaria is of no value; and a class of labour highly acceptable to the mines is recruited for our malaria belt. The one balances the other and the present position is uneconomic. There is not sufficient immune native labour in Zululand to staff the sugar belt north of the Tugela, and we would have to draw on Mozambique a quota equal to that recruited from the highveld, which could be diverted elsewhere.'
>
> " 895. Your Commission is impressed by the force of these arguments and stresses the importance of some arrangement being made between the mines and the industries requiring labour in the lowveld of Zululand, whereby a quota of natives from Portuguese East Africa might be available for the latter, for which they are particularly suited. When this arrangement has been made, recruiting in non-malarial areas for work in the lowveld should be stopped, thereby releasing an additional supply for the mines.
>
> " 896. It seems clear that, as long as recruited labour is required for malarial areas, it is uneconomic as well as very undesirable from the health point of view, to bring it up from the Transkei, while much labour nearer home and free from the disadvantage of high susceptibility to malaria, is sent away for work in the mines."

11. From the native point of view exclusion would perhaps appear undesirable, but if it thoroughly grasped that the limitation which is imposed only refers to the recruited labour and not to voluntary labour, then it should not present any difficulties.

12. Your Commission wishes therefore, to recommend that the three districts, Ingwavuma, Ubombo, and Hlabisa should be reserved exclusively for the recruiting of labour for the sugar industry. Labour which is immune to malaria, obtained from these districts would perhaps not be adequate, but the shortage may perhaps be supplemented from other parts of the country.

" B " The Scarcity of Native Labour as is Apparent from the Use of Imported Labour and the Reasons therefor, and the Alleged Unwillingness of the Natal Natives to Work.

13. Your Commission is convinced that there is a scarcity of labour in the sugar area so that a large percentage has to be recruited outside of Natal and Zululand. There would, however, appear to be more than enough labour on the farms, but on account of the evils of the squatter system farm labour is not being used to advantage.

14. From the evidence taken at different places, the following are quoted as causes which affect the offer of labour for the sugar area:—

(*a*) The Zulu is well-to-do because he inhabits a fertile region. From the products of his lands and the increase of his cattle of which he possesses large numbers, he provides for his frugal needs.
(*b*) The Zulu looks upon himself as an aristocrat and consequently it is a habit with him to choose his work. He prefers to offer himself as a domestic servant, policeman, clerk, storeboy or for other work in cities and towns, rather than place his services at the disposal of agricultural labour.
(*c*) He is attracted to the cities and towns as a result of the higher wages offered to him.
(*d*) He is afraid of malaria in the sugar area.
(*e*) He maintains that food and quarters are bad on the sugar plantations.
(*f*) Because taxes are demanded irregularly, he absolutely does not feel the necessity of looking for work because his needs are adequately supplied by his own products.
(*g*) Sufficient attention is not being paid to the manner in which recruiting is done.

15. These assertions which have repeatedly been made and endorsed by European as well as native witnesses, contain a great deal of truth. That food and quarters are bad on the sugar plantations is, however, imaginary, as will be indicated under another heading.

16. The assertion made under (*f*) that because taxes are demanded irregularly, the labour supply is affected thereby, is true to a certain extent, yet your Commission would like to utter a warning that it is against the fundamental laws of State economy to connect taxation with labour.

Taxes are paid to the Central State Revenue Fund for the general services of the State. That pressure should be exercised in order to secure labour for certain industries, can surely not be vindicated.

"C" Whether Housing and Other Conditions or Wages, in general, are Satisfactory.

17. *Housing and Food.*—Because the assertion has repeatedly been made that housing, food and conditions in general are poor on the sugar plantations, your Commission visited different sugar farms and large sugar plantations.

On the large properties especially, the housing, food and general treatment are extraordinarily good. On the smaller sugar farms the conditions vary from good to bad. It was noticeable, however, that there is, on the part of the smaller sugar farmer, also an inclination to improve the conditions for his labourers, because experience has taught him that better conditions enticed better labour.

18. On the large sugar properties your Commission was struck by the excellent work that was being done in the direction of hospital conveniences and the combating of malaria.

Wages at Sugar Plantations.

19. The scale of wages as quoted in paragraph 916 of the Report of the Native Economic Commission has since been reduced by 25 per cent. Under present circumstances your Commission considers that the reduction is reasonable.

Dr. A. W. Roberts, member of your Commission, considers, however, that as a commencement a reduction of 10 per cent. would have been better.

20. The custom of paying wages in kind still appears to be fairly general on farms. The underlying principle is certainly not economical. Your Commission realizes that the departure from the old systems to to a system of payment in cash will present many difficulties, yet, it is felt that, the sooner the system is changed the better. It would be in the interests of both employer and employee.

"D" A Solution of the Present Unsatisfactory Conditions by Legislation or Otherwise.

21. There is no doubt that malaria is a factor to-day which has to be taken into consideration in the application for, offering and exchange of labour.

Your Commission notes with pleasure, the measures that are being adopted by the different departments of the Union and the Provinces for combating malaria. If this good work can be maintained and extended and the necessary support which is being rendered by the public and Government officials can be retained, your Commission is convinced of the fact that malaria as a factor in the labour market would be greatly diminished if not completely eliminated in time to come.

22. Before your Commission decides to make suggestions and submit recommendations towards the improvement of the present position, it desires to make some observations in regard to certain factors which, in its opinion, will influence labour conditions in general.

The attention of your Commission has been directed by several witnesses to the fact that taxes are being collected in a very slack manner. Instances were quoted in which natives were from 5 to 8 years in arrear with their taxes. These natives were usually afraid to leave their kraals for fear that they would be arrested. A farmer is often put to inconvenience by having to advance the labourer's tax if he does not wish to lose his services. Slackness in the collection of taxes causes the native to neglect his duty to the State and to the authorities.

23. It has also been brought to the notice of your Commission that the system of taking legal action in small and petty offences is very impracticable and usually causes unnecessary expense to the employer and inconvenience to the native.

24. Many irregularities also appear to take place in the recruiting of labour. It always seems as if the recruiting agent can in one way or another exercise the functions, granted to him by his licence, in an improper manner; the irresponsible action of an agent can sometimes influence a large field of labour and cause unnecessary friction. Desertion from service is also usually attributable to the manner in which recruiting has taken place.

25. With reference to evidence adduced before your Commission, and from what your Commission has itself observed, it desires to make the following suggestions and recommendations which, in its opinion, will contribute towards improving the present unsatisfactory conditions:—

(i) That in the combating of malaria, district officers be requested to do everything in their power to assist the health authorities concerned.

(ii) That general supervision in regard to labour conditions be exercised on farms and large properties. With a little tact undesirable occurrences and discontent on the part of both employer and employee can sometimes, be eliminated or rectified.

(iii) That more effective measures be adopted so as to ensure that taxes are paid regularly and that the Department of Native Affairs undertake regular tax tours.

(iv) That a less expensive and simpler system of dealing legally with minor offences be introduced.

(v) That the usual criminal procedure be applied in cases of arrest and remand for trial of deserters and transgressors.

(vi) That more attention be devoted to the issue of recruiting licences and that strict supervision be exercised in regard to the methods adopted by recruiters and recruiting agents.

ANNEXURE " B ".

NATIVE EDUCATION AND THE DEVELOPMENT ACCOUNT.

1. The inception of the Development Fund dates from the year 1922 when the Central Government debarred the Provincial Councils from imposing any direct taxation on the persons, habitations, or lands of natives; and by so doing undertook to finance native education.

2. Many schemes were proposed to meet the growing needs of native education. The proposal which the Government finally accepted was the imposition of a general tax of £1 per adult male, four-fifths of this tax going to the Treasury, and one-fifth to the formation of a Native Development Fund.

3. In 1924 a meeting was held at Durban between the Provincial Administrations and the Central Government to settle what subsidy would be granted to the Provinces on the basis of the 1920-1921 expenditure on native education. The following sums were claimed by the Provinces, and agreed to by the Central Government:—

Cape	£240,000
Natal	49,000
Orange Free State	5,000
Transvaal	46,000
	£340,000

4. The Native General Tax was imposed in 1925. In addition to the one-fifth obtained from this tax there was also placed to the credit of the Fund the sum of £340,000 already referred to in the preceding paragraph.

5. Careful calculation indicated that the revenue to be derived from the tax would be in the neighbourhood of £1,125,000. Four-fifths of this, that is £900,000 would go into general revenue, the remaining fifth £225,000 would go into the Native Development Fund to be administered by the Minister of Native Affairs.

6. It was estimated that the annual increase of the General Tax would be at the rate of 2 per cent. per annum, a very liberal estimate as the increase in the native population is a little more than half this. That is, the annual increase of the Development Fund would be somewhere between £4,000 and £5,000, a very inadequate increase when the rapid expansion of native education is considered.

7. The charge has been brought against the Native Affairs Commission that early in their consideration and allocation of the Development Fund they were too optimistic. The optimism of the Commission was niggardly compared with the voraciousness of some of the Provinces. The Development Fund was to them a bottomless bag out of which they could draw, without reserve, for educational development. Each financial year the Commission had to prune the estimates ruthlessly.

8. Notwithstanding this determined effort to keep down the expenses the expenditure on native education has risen, during the past ten years, from £340,000 to over £600,000.

9. The estimated increase of 2 per cent. per annum on the General Tax has not materialized during the past four or five years. This may in part be due to the objective lack of means with which to meet the tax; it may also be largely due to a dislike of the tax on the part of many natives.

10. As far as the ability of the income accruing to the Development Fund is to meet the reasonable and accepted charges for native education the Fund is bankrupt. Naturally this condition is causing very great anxiety to the Native Affairs Department and to the Native Affairs Commission. The latter being recognized as the guardians of the Development Fund accordingly consider it their duty to analyze the grave state of affairs in a little more detail in regard to the present development of native education in general.

Native Education.

11. In order to obtain a clear conception of the growing needs of native education it is necessary to examine the increase of the native population in the Union.

12. The following are the population estimates as given in the Government Year Books. They are estimates based on a per annum increase, the rate being determined by comparison between quinquennial censuses. The number of children of school going age is determined by taking one-fifth of the total population. This ratio is probably too low for the native people.

13. *Native Population of South Africa, given in Thousands.*

Year.	Cape.	Natal.	Transvaal.	Orange Free State.	Total.	Probable Children of School going age.
1919	1,603	1,103	1,441	403	4,550	910
1920	1,623	1,123	1,471	413	4,639	926
1921	1,643	1,143	1,501	424	4,711	942
1922	1,663	1,163	1,531	434	4,792	958
1923	1,683	1,183	1,562	445	4,873	975
1924	1,702	1,203	1,593	455	4,953	991
1925	1,722	1,223	1,623	466	5,035	1,007
1926	1,742	1,243	1,654	476	5,115	1,023
1927	1,762	1,263	1,684	486	5,196	1,039
1928	1,782	1,283	1,715	497	5,277	1,055
1929	1,802	1,303	1,745	507	5,358	1,072
1930	1,821	1,323	1,776	518	5,439	1,088
1931	1,841	1,343	1,807	528	5,519	1,104
1932	1,861	1,363	1,837	538	5,599	1,120

14. *Total Amount of Personal Taxes collected in the Union. The Amount is stated in Thousands.*

Year.	Cape.	Natal.	Transvaal.	Orange Free State.	Total.
	£	£	£	£	£
1926–27	417	322	281	103	1,123
1927–28	429	306	320	110	1,165
1928–29	445	311	324	107	1,187
1929–30	454	325	336	111	1,226
1930–31	464	326	347	107	1,244
1931–32	412	280	336	107	1,135
1932–33	389	257	308	99	1,053

Thus while the amount of taxes collected from the natives increased slowly from 1926 to 1930 there came a sudden fall, amounting to £191,000 in two years, 1930-1932. While the increase in the amount of taxes collected increased from 1926 to 1930, the increase was not sufficient to meet the increasing demands of native education, i.e. the increase in the number of children attending school. That increase will be exhibited in the next table.

15. The percentages of children attending school are as follows:—

Year.	Estimated No. of Children of School going Age. In Thousands.	Actual No. of Children at School. In Thousands.	Percentage attending School.
			%
1919	912	169	18
1920	926	183	19
1921	942	186	19
1922	958	189	19
1923	975	201	21
1924	991	199	20
1925	1,007	209	21
1926	1,023	217	21
1927	1,039	225	22
1928	1,055	242	23
1929	1,072	268	25
1930	1,088	284	26
1931	1,104	294	27
1932	1,120	308	27

The steady increase in the percentage of children attending school is one of the most marked features of native education during the past quarter of a century. The increase during the past five years is remarkable. This increase will be exhibited better if stated in definite numbers.

16. The actual enrolment of native children in the Union from 1920—before that there did not seem to be a definite division between native and coloured in certain Provinces—has been:—

Year.	Enrolment.	Yearly Increase.	Percentage of Increase.
			%
1920	182,647	—	—
1921	185,692	3,045	1·7
1922	189,059	3,367	1·8
1923	200,918	11,859	6·3
1924	198,763	2,155	1·1
1925	209,049	10,286	4·9
1926	216,678	7,629	3·5
1927	225,336	8,658	3·9
1928	241,775	16,439	6·8
1929	267,888	26,113	9·8
1930	284,250	16,362	5·8
1931	293,533	9,283	3·2
1932	308,000	14,467	4·7

The average yearly increase in the number of children attending school for the years 1920 to 1924 is 2·2 per cent.

For the years 1924 to 1931 the increase is 5·4 per cent. a sufficient commentary on the statement that the institution and management of the present system of controlling education expenditure has placed a hindrance on native education.

Between the years 1924 and 1931 the number of children attending school increased by 94,770.

The average annual increase during the years 1924-1931 is 13,539.

If we regard the cost to the State of each native child's education as £2 then to meet this increase the education grant to the Provinces should have been increased annually by £27,000.

17. Considering first the amount of individual tax collected (out of which one-fifth plus a fixed sum of £340,000 is paid into the Development Fund), we arrive at the following figures:—The amounts are given in thousands.

Year.	Cape.	Natal.	Transvaal.	Orange Free State.	Total.
	£	£	£	£	£
1926–27	417	322	281	103	1,123
1927–28	429	306	320	110	1,165
1928–29	445	311	324	107	1,187
1929–30	454	325	336	111	1,226
1930–31	464	326	347	107	1,244
1931–32	412	280	336	107	1,135
1932–33	389	257	308	99	1,053

Had the Treasury followed the first proposal made by the Native Affairs Commission and that was to take a fixed sum of £900,000 from the Personal Tax for State service, leaving the remaining part of the tax to the development services especially education, the fund might have weathered the storm, but obtaining only annually the fifth of the amount of the tax the Development Fund could not meet the increasing demands of education as indicated in paragraph 5.

Instead of yielding to the Fund £27,000 to meet the natural increase of numbers the annual increase was never greater than £8,000 and latterly the increase has been a negative one, (paragraph 8).

18. The annual amounts placed to the credit of the Development Fund (that is the fifth of tax plus a constant grant from the Consolidated Fund of £340,000) have been:—

	£	£
1926–27	565,000	—
1927–28	573,000	8,000
1928–29	577,000	4,000
1929–30	585,000	8,000
1930–31	589,000	4,000
1931–32	567,000	22,000
1932–33	551,000	26,000

That is in 1933 the grant from the Personal Tax Fund was £14,000 less than in 1927.

To meet the increased attendance of 94,770 children the grant should have been increased by £189,540.

19. The preceding table and the remark attached to it premises that all the Development Fund goes to meet education necessities, leaving no money for agricultural education or for hospitals.

20. We claim therefore that the arrangement come to in 1925 is not sufficient to meet the ever increasing demands of native education, and that some other arrangement is necessary.

NB. No report published for 1934-35

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REPORT

OF THE

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FOR THE

YEAR 1936

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UNION OF SOUTH AFRICA

REPORT

OF THE

NATIVE AFFAIRS COMMISSION

FOR THE

YEAR 1936

Published by Authority

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Report of the Native Affairs Commission for the Year 1936.

To His Excellency the Right Honourable Sir Patrick Duncan, a Member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, One of His Majesty's Council Learned in the Law, Doctor of Laws, Governor-General of the Union of South Africa.

May it please Your Excellency,

In terms of the Regulations published under Government Notice No. 2004 of 1920 the Native Affairs Commission begs leave to submit its report for the year 1936.

Since the last report was presented, which dealt with the years 1932 and 1933, the Commission has been reconstituted. All the present appointed members of the Commission were appointed during the past fifteen months, and they now number four, instead of three, as formerly. Mr. George Heaton Nicholls, M.P., was appointed on the 3rd of November, 1935, to fill the vacancy caused by the retirement of Dr. A. W. Roberts. Mr. J. Mould Young was appointed on the 29th January, 1936, to fill the vacancy caused by the death of Mr. J. B. Wessels, M.P. Colonel-Commandant W. R. Collins, M.P., was appointed on the 29th April, 1936, to fill the vacancy caused by the retirement of Senator P. W. le Roux van Niekerk. General E. A. Conroy, M.P., was appointed as an additional member on the 10th July, 1936, thus securing representation on the Commission for each of the Provinces of the Union.

The Honourable the Minister for Native Affairs, in terms of Section *one* of Act No. 23 of 1920, designated the Secretary for Native Affairs, Mr. D. L. Smit, as Deputy Chairman, to act in his absence during the year under review.

FUNCTIONS OF THE COMMISSION.

The functions, duties and privileges conferred on the Commission by the Native Affairs Act of 1920 were as follows :—

(1) the consideration of any matter relating to the general conduct of the administration of Native Affairs, or to legislation in so far as it may affect the Native population (other than matters of departmental administration), and the submission to the Minister of Native Affairs of its recommendations with regard to any matter of administrative routine submitted to it by direction of the Minister ;

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

(3) the power to recommend to the Governor-General the constitution of Native Local Councils and General Councils.

Subsequent Native Legislation has placed further duties upon the Commission. In addition to the general consultative and advisory functions conferred by the Act, the Commission has assumed certain functions in connection with Native administrative policy not specifically provided for by enactment : Thus the Commission considers and reports upon all the Urban Native Revenue Accounts constituted under the Native (Urban Areas) Act No. 21 of 1923, and on proclamations issued under that Act, before the decision of the Minister is given, so that the welfare of the urban Native population is a matter of concern to the Commission.

Section *thirteen* of the Native Taxation and Development Act No. 41 of 1925 makes it incumbent upon the Minister to consult the Commission in the administration of the Native Development Account, since merged in the South African Native Trust under the provisions of Section *five* of Act No. 18 of 1936. Consideration of the estimates of the receipts from Native Taxation and expenditure under various headings of Native Education, Agricultural Development, Agricultural Schools, Experimental Farms, Live Stock Improvement, Prevention of Stock Diseases, Water Supplies, Construction of Roads and Bridges, Afforestation, Public Health and Welfare, Industrial Development, Payments to Mission Societies and Native Councils, etc., is one of the chief duties of the Commission under the Act. Annual conferences with the Provincial Directors of Education now take place regularly, when the Education Estimates submitted by the Provincial Administration are considered.

Section *twenty-five* of the Native Administration Act, No. 28 of 1927, by implication, places upon the Administration of Native Affairs, the duty of consulting the Commission in matters of administrative policy, and the Commission is required to take cognisance of all proclamations issued.

Under the recommendations of the Select Committee on Native Affairs, 1925, all applications by missionary bodies and churches for church sites and privileges upon Government recognition, are submitted to the Commission for its recommendation.

Finally, Section *four* of the Native Trust and Land Act, No. 18 of 1936, makes provision for the delegation of powers of the Trustee to the Minister for Native Affairs, acting in consultation with the Native Affairs Commission.

The necessary investigations on land matters which have to be made under this Act have occupied much of the time of the Commission since the passing of the Act. The tremendous amount of work involved in carrying out these investigations during the period of the year that Parliament was not in session, made it necessary for the Commission to resolve itself into sub-committees with a view to expediting the work referred to it in this connection.

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

The Commission also had under consideration during the year various Proclamations affecting Native interests, the Draft Regulations under the Native Trust and Land Act and the contents of the Native Laws Amendment Bill.

To this formal report is attached a summary of the Commission's activities during the year, together with several Appendices on matters of policy by the appointed members.

J. C. SMUTS,
Acting Chairman.

G. HEATON NICHOLLS
W. R. COLLINS
J. MOULD YOUNG
E. A. CONROY
Members.

P. VAN BILJON,
Secretary.

Pretoria, 20th September, 1937.

I. SUMMARY OF ACTIVITIES.

In its capacity as an advisory body the Commission is required to deal with various administrative matters regarding questions of policy as well as with matters in the case of which no statutory provision had been made for referring them to the Commission.

During the course of the year the following diverse matters were specially referred to the Commission for their investigation and recommendations :—

Trading Sites.—Applications for trading sites and the extension of trading licences within the released native areas were considered together with matters relating to the rental of trading sites in Natal and Zululand.

Natives in Urban Areas.—Matters relating to the control of Native urban areas and Native townships not falling under the Urban Areas Act were referred to the Commission. Thus, for instance, a Committee of the Commission assisted in investigating and reporting on the conditions in the Native Townships Sophiatown, Martindale and Newclare, Johannesburg.

Housing Schemes.—Attention was given to matters pertaining to housing schemes for Natives in urban areas.

Industrial Schools.—Proposals were submitted to the Commission in regard to the establishment of industrial schools for Natives and applications for bursaries to Natives for training in agricultural and industrial institutions were considered.

Agricultural Schools.—Matters relating to the administration and control of agricultural establishments were submitted to the Commission. The Commission considered and made recommendations in regard to the establishment of the Native agricultural experimental farm at Vuma, Zululand, as well as matters relating to the acquisition of the farm.

Dipping of Stock.—Proposals for levies on Natives in regard to the dipping of stock within reserves were dealt with and recommendations made.

Native Chieftainships.—Administrative difficulties in connection with the institution of chieftainships and the jurisdiction of chiefs were submitted to the Commission for their consideration and recommendations. In this connection particular recommendations were made regarding the institution of Fingo chieftains in the Ciskeian and Transkeian Territories.

Decisions Transkeian Territories General Council.—The Commission further took note of decisions and requests of the Transkeian Territories General Council, considered their practicability and made recommendations relating thereto.

Revenue and Expenditure Accounts.—The annual Native Revenue and Expenditure Accounts of the Transkeian and Ciskeian Territories General Councils were submitted to the Commission for their consideration and recommendations.