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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 present Bill was quite new and the principles should be explained to the people.

Mr. Makiwane intimated that this matter should be referred to the people at home.

Mr. Ndhlovu was of opinion that the matter should be referred home. He could not agree to the taxation of the people without referring the matter to them. He enquired what was done with the money derived from Native taxation. Would the Dog Tax be abolished? What was the position of Mission Stations in European areas?

Mr. Langa wanted the matter referred to the people first.

Mr. Sikiti enquired whether there was any guarantee that the 10s. tax would be kept for the use of the people in the district in which it was collected.

Mr. Dube thought that the previous speakers were out of order. He enquired what was the function of the Conference.

Major Herbst said he quite appreciated the difficulty in which the delegates found themselves. They could not regard themselves as the representatives of the people because the latter had not selected them to speak.

He had wondered therefore whether the summoning of such a Conference was really any good in these circumstances.

However, the Native Affairs Act, 1920, provided that the Government might convene such conference " with a view to the ascertainment of the sentiments of the Native population " in regard to any proposed measure and the delegates had been selected as being men who might be able to do this in so far as the Tax Bill was concerned.

There had been some doubt as to the necessity of summoning a Conference this year. It was not customary for the Government to consult anyone on taxation proposals which were usually only disclosed in Parliament. It had, however, been decided to hold a Conference and they had been summoned at short notice which prevented him sending copies of the Bill to them beforehand.

They, of course, could not bind the people, and any views they expressed would be, of course, personal.

He knew the Bunga system and how when the General Council was asked to consider a difficult matter the cry was raised " send it to the people at home ".

He thought that they should discuss section *two* of the Bill.

Mr. Mahabane moved:

" That section *two* of the Bill be now considered."

Dr. Molema seconded.

Mr. Lehana said he would like to hear something from the members of the Native Affairs Commission. There was a difference in the principle mentioned in their Report and the Bill under discussion.

Motion adopted.

Dr. Roberts hoped to hear the views of the Conference on the Bill because it was of importance that the Government should know what the Native people thought. He was of opinion that the delegates should be appointed directly by the people and hoped that the time was not far distant when this would be done.

He had given a great deal of thought to the question of the indirect taxation. He tried to get assistance from the Board of Trade and from various sources but statistics were not available.

From his own investigations he had come to the conclusion that each Native household paid on the average 15s. to Customs and Excise. There were about 1,000,000 householders and the amount of indirect taxation would therefore be £750,000 per annum. He was unable to say how the money derived from Native taxation was actually spent. They had the same police, magistrates and so on.

Mr. Mahabane put the indirect taxation at 5s. per adult male.

He suggested that the incidence of the taxation should take into consideration the actual earning capacity of the Native.

The average wage of a Native was £42 per annum. In locations the average crop was 20 bags per annum, the value of which was £10.

A personal tax of £1 was too high.

He therefore moved:—

"That the general tax should be 15s."

Such a tax would yield £750,000, and with the indirect taxation now paid should be sufficient for the purposes of the Bill.

Natives paid municipalities on the average £3 per annum, and municipalities should pay their quota towards Native education.

Mr. Thema seconded Mr. Mahabane's motion.

He pointed out that the last Conference had agreed to uniform taxation, and this meant that the Cape Province would have to make some sacrifice. But this Bill asked for too great a sacrifice. People in the reserves were too poor to pay the proposed taxation which would force them into industrial areas.

Mr. Ndhlovu enquired whether in the event of the Bill becoming law Provincial taxation would still continue. Was it true that the Natives paid for coloured and Indian education.

Mr. Makgatho supported Mr. Mahabane's motion. He wished to know whether the collection of the tax would be criminal or civil.

Major Herbst explained that the Provincial Councils could not tax Natives directly in respect of their persons, habitations or land.

This was the direct cause for bringing up a Tax Bill. The Provincial Councils could not tax the Natives, and they therefore were not prepared to provide money for the expansion of Native education. The money had to be found by the Union Government, and the Bill showed how it was proposed to get the money.

Mr. Sekukuni said he found it difficult to discuss the Bill which he hoped would pass.

He would like to take it back to the people.

Mr. Ntsokota pointed out that the Natives in the Cape would suffer most. There they had to pay quitrent, wheel tax, dog tax, etc.

Mr. Singqandu said the Cape Natives could hardly pay the existing taxes such as quitrent 15s., road rate 2s. To suggest a tax of 30s. would drive them away. He thought 15s. would be enough.

Mr. Fenyang moved:—

> "Local taxation should be left to local councils to levy according to their needs and local conditions."

Mr. Kumalo did not agree with taxation, but it seemed that taxation was necessary for development. The Natives were being reduced to poverty on account of laws which had been passed, *e.g.*, the Natives Land Act, which had rendered their lives difficult. The Cape had done very well on a tax of 10s., and he suggested that the tax should be fixed at 10s.

Mr. Veldman thought that if the tax was fixed at 15s. that amount would be about right. In the Transkei they paid their taxes. Times were hard.

Mr. Jabavu thought it was quite clear that the Natives were not getting a fair share of the money derived from the taxes paid by them.

The people of the Ciskei wished it to be pointed out that the existing taxation was heavy. In the Cape taxation really ranged from £3 to £4 10s. per annum. Divisional Councils were the most worst sinners in regard to taxation.

Natives found it difficult even to pay a hut tax of 10s. In the district of Alice about £1,000 was outstanding in respect of hut tax.

The locations were now small, and this increased the hardship.

He was second to no one in his desire for the education of the Native people, but if education could only be provided by the ruin of several thousand families he would rather do without it.

The Conference adjourned at 5.30 p.m.

Second Day.

Tuesday, 28th October, 1924.

All delegates present.

Major Herbst intimated that the Conference would resume the discussion at the stage at which it had reached the previous day.

Mr. Makiwane enquired when motions should be submitted.

Major Herbst intimated that they could be handed in at any time.

Mr. Mahabane thought motions should be read aloud and handed in at once.

Major Herbst agreed to this suggestion.

Messrs. Makiwane, Mahabane and *Jabavu* respectively read and handed in certain motions.

Mr. Dube had always been under the impression that the Transvaal Natives were the most heavily taxed.

The delegates' duty was to consider not only the *advanced* Native but *all* Natives. Only the Cape Natives had the privilege of saying a word in regard to their taxation.

They should consider conditions in the Transvaal where a poll tax of £2 was paid, pass fees and municipal rates. On the farms they had to give 90 days' free labour.

He realized that the framers of the Bill had to level down and also to level up. If now a further levelling down were adopted it might please those who were not interested in the development of Natives, but in view of the Development Fund it would not please those who are.

The delegates know the feeling of the white people in regard to the advancement of Natives. Only a small majority favoured it. If therefore the delegates levelled down the white people would say: "The Natives don't want to be taxed, let them alone, but give no more money for education."

They must consider that education was the most important thing in their lives. For the first time in the history of South Africa it was proposed to establish a fund for education, and they would probably have a voice in administering the fund.

He was inclined to accept the £1 tax without prejudice to his views on the local tax.

The greater the privileges enjoyed the greater must be the payment therefor.

They had always paid taxes, but never had any return such as proposed in the Bill.

Mr. Mphahlele agreed that the general tax should be £1.

Mr. Makgatho said there were so many taxes in the Transvaal that one could not say what the exact burden was.

There was a poll tax £2, pass fees of 12s. to 24s. per annum, dog tax 10s. or £5, dipping 4d., 6d., or 1s. per head.

Mr. Langa pointed out that in Eastern Pondoland they paid an education rate of 2s., and dipping tax of 6s. 6d., and enquired whether these taxes would continue.

Major Herbst replied, all these taxes would fall away.

Mr. Mogale said that Natives in the Transvaal had a great deal to complain about in regard to taxation. He supported those delegates who had sought to reduce it. He was only giving his own views, and could not bind himself to anything without consulting his pepole. He felt the Government was justified in levying certain taxes because the Government protected them, but when they were taxed from all sides he felt it to be unjust. They should do away with such taxes as the dog tax which all Natives paid, and have an all round tax of £1. He agreed with a previous speaker that the power of the chief was waning. The Government should look into this matter and give the Chiefs greater powers.

Dr. Molema stated that he always told his compatriots that they must pay for education and civilisation, and that as they progressed they would have to pay more.

He thought the Bill a fair attempt at Native taxation. Taxes varied from £2 to 10s. and the average was £1 5s. The delegates overlooked the fact that the new tax would absorb many of the existing taxes. He thought that they should adopt the taxes outlined in the Bill.

He urged the establishment of Councils as until they were constituted there would be the differential treatment in regard to the local tax.

He therefore moved:—

> "That the general tax of £1 and the local tax of 10s. be accepted."

Major Herbst explained that the Government had felt great difficulty in establishing local councils under the Act of 1920, seeing that firstly it was possible for a Council to levy a rate and get the amount from taxes due to the Government, and secondly there was no control over councils in the spending of their revenues. There was control exercised over every spending body. Even the Government could not spend money without the sanction of Parliament. If the Government levied taxes for the benefit of local bodies, it was only right for the Government to have the power to see that the money was expended in the interests of the taxpayers. The Tax Bill proposed to effect this purpose in so far as Local Councils were concerned. Their powers would remain unimpaired, and all that they would be required to do would be to submit their estimates of expenditure for the approval of the Governor-General.

Mr. Jabavu enquired what guarantee they had that local councils would be established. They had heard various

reasons why such had not been constituted before, and now they had just heard another reason.

Major Herbst (after consultation with the members of the Native Affairs Commission) stated that the Commission was strongly in favour of councils, and would recommend them. The intentions of the Government in this regard were shown by the terms of the Bill. He would give his personal assurance to do everything towards establishing councils.

Mr. Jabavu enquired whether it was not possible to introduce a Bill to amend the Native Affairs Act, 1920, instead of doing so in the Tax Bill.

Mr. Setlogelo seconded Dr. Molema's motion. He thought the Natives should have a greater voice in the disposal of money from Natives' taxation. He instanced the refusal to provide an agricultural demonstrator at Thaba Nchu.

Mr. Ndlhovu pointed out that the tax in Natal was not a " poll " tax but the head of a kraal was responsible, so that it amounted to £7 or more sometimes.

He thought the Native population on private lands should have some voice in the taxation to be imposed on them.

He supported an all round tax of £1.

Mr. Matshikwe asked the delegates to take a broad view of the Natives as a whole. He felt a great responsibility when he gave his advice. He thought it would be very hard if every one had to pay £1.

The age of majority of Europeans was 21 but the Bill fixed 18 as the tax paying age of the Native. Native parents looked to their youngsters to help them pay taxes and these youths would not be able to pay and assist their parents.

The age should be fixed at 21.

Mr. Makiwane stated that the Pondo people had agreed to pay a tax of 15s. as mentioned in the Commission's Report.

Mr. Singqandu pointed out that farm labourers only earned 10s. per month. How could they tax him 30s. He thought 15s. should be the maximum.

Mr. Msimang was of opinion if less money were spent on beer there would be more money to pay taxes.

Mr. Kumalo said he did not mind paying for education but what about the majority of Natives who were living under serious disabilities—whose stock was being reduced, with no land to plough. Natives could not pay such high taxation

He thought 10s. a fair tax.

Mr. Fenyang stated that Natives paid more nowadays in indirect taxation than they paid 20 years ago.

He proposed:

" That the general tax be 15s. and that when Councils are established the local tax should be 10s.".

Dr. Loram said that the Native Conference endorsed the principle of uniform taxation in the Union and that principle had been accepted as fundamental. It would not help much to go back on that position now because the Government, with

the full approval of the Natives, had relieved them of provincial taxation and had provided money for Native education. The Government had advanced £120,000 since last year for education and for teachers' salaries. The Government would not allow the Natives to owe that money for ever, so it gave instructions for a Native Taxation Bill to be prepared. The Native Affairs Commission had asked the Government what was to be done about the direct taxes which the Natives were already paying and the Government replied that they wanted, in the future, the same amount as they had received in the past, with the addition incidental to the increase in the Native population. This sum amounted to £900,000 per annum. The Native Affairs Commission then had to impose a tax which would produce £900,000 and in addition repay the money already advanced for Native education and allow for that development for which the Natives were crying. Taking all these factors into consideration they fixed on a £1 general tax.

There was also the very difficult question of indirect taxation. He disagreed with Mr. Mahabane when the latter said it was 11d. per head. The figure was most probably more in the neighbourhood of two shillings per head and that was 20 years ago. To-day it would very likely be double. The question had been asked as to what was being done with the money derived from Native taxation. The following figures were given in reply:—

Six million one hundred and eighty-five thousand pounds were spent by the Government in 1922-'23 for law, order and protection, and that was over twice the amount received from Native sources. Over £3,000,000 was spent on posts, telegraphs and telephones, which was also more than the revenue derived from Native taxation.

Did the Natives receive any benefit from these services? In his opinion the Natives got a very fair return in Government services for the money they contributed. This, of course, did not apply to the amount which the Native indirectly contributed by working for such low wages. If the Natives desired any further advantages they would have to bear the burden of taxation as provided in the Bill.

He next referred to the fact that one-fifth of the tax would go to the Minister of Native Affairs, who would keep it as a central fund for the native education and development, and he thought that a very, very good thing from the Native point of view.

With regard to the reduction of the tax which some speakers had advocated, he was of opinion that if the Natives wanted facilities for education and general development the general tax could not be reduced, and the same applied to the local tax of 10s. He thought the local tax also was absolutely essential for the development of Native land. They all knew that greedy eyes were looking, for example, at the sugar lands on the coast of Natal. The Natives should develop their

lands by their own efforts, as was being done largely in the Transkei. They would see from the facts which he had given that the Natives could not hope for development unless they were prepared to pay for it.

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

Mr. Ntsinyana complained that the people were being driven away from their land, treaties had been broken, and Europeans were now cutting up Zululand.

If a man had 100 sons he would have to pay £100. This was too much.

If he went back and told his people they would have to pay £1 tax he would be stabbed.

Chief Matoti agreed with the last speaker and said he would like to consult his people.

Mr. Gumede said that when it was proposed last year to have an additional 6s. tax the Christian people agreed to it, but others did not.

Mr. Mahabane said that after what he had heard during the discussion and also Dr. Loram's speech he did not see why he should withdraw his resolution that the general tax should be reduced to 15s. per head. According to the estimates given by Dr. Roberts yesterday the Government derived the sum of £750,000 a year from the indirect taxation of Natives. If 15s. a head were added to that he computed that the Government would receive £1,500,000 from the Bantu peoples, which would be sufficient for development of Native education. Dr. Loram had made mention of the public debt, but the Bantu people could not be held responsible for that. More especially as they had no say in the transactions which led up to that debt. The £900,000 should be quite sufficient for general development purposes for the Natives if properly applied.

Dr. Loram had also mentioned the fact that the Government had for 1921-22 expended £6,000,000 for law, order, and protection. He had not, however, mentioned the amount paid in fines by the Native people. He did not wish to be misunderstood, but he believed in plain speaking, and he thought honesty the best policy. The Bantu people should not be called upon to pay a single penny for protection or defence, because the Natives did not receive any protection. The Europeans were all armed, but the Natives were not permitted to have any arms for their own defence. For that reason Dr. Loram's remarks about the Natives having to contribute towards the protection of the population should not have been introduced into the discussion. He formally moved his resolution that there should be a general tax of 15s.

The following motion was put:

"That the personal tax be £1," and the following voted:—

For the Motion:	*Against the Motion:*
Mphahlele.	Makgatho.
Senthumulo.	Thema.
Mogale.	Lehana.
Molema.	Langa.
Setlogelo.	Veldman.
Ndhlovu.	Makiwane.
Msimang.	Singqandu.
Dube.	S. Matoti.
	Sikiti.
	Ntsokota.
	Mahabane.
	Fenyang.
	Kumalo.
	Ntsinyana.
	Matoti.
	Gumede.
	Jabavu.
	Matshikwe.
8	18

Motion lost.

The following motion was put.

"That the personal tax be 15s.", and the following voted:—

For the Motion:	*Against the Motion:*
Makgatho.	Ntsokota.
Thema.	Matshikwe.
Lehana.	Jabavu.
Veldman.	Kumalo.
Langa.	
Makiwane.	
S. Matoti.	
Singqandu.	
Sikiti.	
Mahabane.	
Fenyang.	
Ndhlovu.	
Msimang.	
Dube.	
Ntsinyana.	
Matoti.	
Gumede.	
Molema.	
Mphahlele.	
Mogale.	
Senthumulo.	
Setlogelo.	
22	4

Motion adopted.

Messrs. Veldman, Matoti and *Makiwane* opposed any powers possessed by existing councils being altered.

Major Herbst intimated that there was no such intention. The Transkeian Territories General Council would benefit under the proposals in the Bill. It would get quitrent which now went to the Government.

Mr. Lehana moved that

"Sub-section (2) of section *two* be passed."

Mr. Matoti seconded.

Mr. Sikiti asked whether the Native Affairs Act of 1920 would be amended.

Mr. Fenyang moved the following amendment to sub-section (2):—

"provided further that the tax shall not be imposed upon any Location or Reserve until such time as the system of local council has been introduced in such Location or Reserve."

Mr. Thema suggested that where no local councils exist the money should be spent after consultation with a Conference such as the present.

Major Herbst pointed out that the Conference would probably contain delegates from parts where there were councils and they might not be disinterested parties. He suggested that where a Council was not established owing to difficulties raised by the Government it should consult some advisory board in the area concerned as to the method of spending the money.

Mr. Msimang thought they should trust the Native Affairs Commission and ask it to make arrangements for Councils in Natal.

Dr. Molema suggested that sub-section (2) should be contingent on the amendment of the Native Affairs Act of 1920.

Major Herbst saw no difficulty in meeting Mr. Jabavu's proposal that a Bill should be drafted to amend the 1920 Act. But it was a very precarious matter to get a Bill through Parliament. He would see what could be done.

Mr. Mahabane said Councils could be established without getting the consent of all the people. As a matter of fact the Natives wanted them.

Sub-section (2) should be accepted, but should not operate in areas where there were no Councils.

Dr. Roberts considered the Act of 1920 as the charter of the Native people. He believed that it was the most perfect measure ever provided for the Natives by Europeans. If there are any mistakes in the Act they were large-hearted mistakes. He was in favour of sub-section (2). He had visited a number of places and found opposition against the Councils. At Herschel his own pupils from Lovedale

opposed Councils. The Commission believed in Councils, but it must have the co-operation of the Natives. The Bill opened a new era for the Natives, for there would be more money for their uplift.

The following motion was put:

"That sub-section (2) of section *two* be passed."

For the Motion:	*Against the Motion:*
Mphahlele.	Senthumulo.
Makgatho.	Mogale.
Thema.	Langa.
Veldman.	Sikiti.
Lehana.	Ntsokota.
S. Matoti.	Jabavu.
Makiwane.	
Molema.	
Ndhlovu.	
Msimang.	
Dube.	
Ntsinyana.	
Matoti.	
Gumede.	
Singqandu.	
Matshikwe.	
Setlogelo.	
Mahabane.	
18	6

Motion adopted.

The following motion was put:—

"That the following proviso be added to sub-section (2): provided that the tax shall not be imposed upon any location or reserve until such time as the system of local council has been introduced in such location or reserve."

Motion adopted by 14 *votes to* 10 *votes.*
Section three was passed.
Section four:
clauses (a) and (b) were passed.
clause (c) was passed with the following amendments,
(i) the deletion of "recognized" and the substitution of "approved";
(ii) the deletion of "government" and the substitution of "Native Affairs Commission."
Sections five and six were passed.

The Conference adjourned at 5.30 *p.m.*

Third Day.

Wednesday, 29th October, 1924.

All delegates present.

Consideration of section seven.

Mr. Makiwane objected strongly to section *seven*. Last year's Conference adopted a resolution approving of one identification certificate. Section 7 was really a pass law. It was annoying to be asked for a receipt. He objected to a pass because honest people were stopped and caused inconvenience.

He moved the deletion of the clause.

Major Herbst said that no one was enamoured with section 7. It was only on account of the personal tax that the section appeared in the Bill. It was practically the Transvaal law. The idea of the drafters of the Bill was that the tax receipt should serve as an identification certificate. No new pass law had been enacted. Perhaps the delegates might come to the conclusion that where pass laws now exist they should continue, but the difficulty would still remain.

On the Reef there were thousands of people eligible to pay taxes but were unknown because they come and go. The Government had been advised that unless such men were made to show a receipt there was no method of finding out whether they paid the tax. Delegates need not refer to the difficulties and hardships. These were well known. The delegates should suggest remedies.

Mr. Jabavu seconded Mr. Makiwane's proposal.

He suggested that the section should be taken out of the Bill and become part of a separate law.

Last year the Pass Bill was discussed and delicate adjustments were made: there was to be one pass for the Transvaal but no one was to be stopped in the Cape.

Section 7 seemed to out manoeuvre them and undid what was agreed upon last year.

This is a fundamental point and he regarded it very seriously.

Last year a pass provision was surreptitiously introduced into the Natives Urban Areas Act and delegates got the blame for it.

Mr. Ndhlovu agreed with the previous speakers.

Dr. Loram said that the pass proposals of last year were dropped by the late Government. Instructions have been issued that a new Pass Bill with the tax receipt as its basis should be prepared. In accepting section *seven* the Commission and the Department were acting on the spirit of last year's Conference.

Messrs. Thema, Singqandu and Makgatho also objected to section *seven*.

Mr. Senthumulo in voicing his objection referred to the treatment meted out by the police to one of his followers. That man had been arrested at his home for non-payment of tax and was marched off presumably to gaol. But after travelling in the veld for four days the man became ill, was abandoned by the police and died there.

Dr. Molema said that when he first saw section *seven* he had meant to offer criticism similar to Mr. Jabavu's. But after hearing that the tax receipt is to be the basis of a pass he looked at the section from a different point of view.

He could not see how it could be deleted. A register of tax payers was not sufficient if identification was necessary. The difficulty was in the towns. He suggested that section *seven* apply to urban areas and that policemen of higher rank only have the power to demand receipts.

Mr. Matoti agreed with Dr. Molema.

Mr. Mahabane asked whether the Government intended to appoint a Pass Committee to draft a Bill.

Major Herbst replied that the whole question of the pass laws was under Government's consideration. From all quarters the Government was inundated with representations for tightening up the pass laws. Every Agricultural Association had resolutions concerning the pass laws.

It was the intention of the Government to appoint a Pass Committee.

The following motion was put:

> " That section *seven* (2) should apply only in Urban Areas and that only a Police Officer be entitled to demand production."

Only Dr. Molema and Mr. Matoti voted for the motion which was not adopted.

The following motion was put:

> " That section *seven* be deleted."

Only Dr. Molema and Mr. Matoti voted against the motion which was passed.

Section eight, in so far as it is not affected by section seven, was passed.

After discussion on section nine the following resolution was adopted:

> " That this Conference recommends that section *nine* be remitted to the Native Affairs Commission for reconsideration with a view to devising a more equitable procedure of recovering arrear taxes than by criminal process."

After discussion the following resolution was adopted:

> " That this Conference recommends that section *ten* be referred back to the Native Affairs Commission for reconsideration of the maximum penalties to be imposed as the present penalties are above the means of Natives."

Section eleven was passed.

At this stage Col. F. H. P. Creswell, Minister of Labour, entered the Conference Hall and addressed the delegates on the following lines:

"You have asked me to come down to explain to you what is the Government policy with regard to labour, and particularly what is known as the civilized labour policy. Well, it is simple. It is the desire of the Government to open up every avenue of employment in which a man can earn a wage that a European and a man who desires to live like a European can live on. And this, so far from being directed against the interests of the Native peoples, is entirely in the best interests of the Native peoples.

"We have been drifting along into a condition which anybody with intelligence can see is not to the interest of the European or of the Native peoples. Just let us understand the position and what are the causes that have brought us to the present state of affairs. What has brought masses of Natives out of their natural surroundings and into the white man's big industries and white man's towns?

"Go back a long time—when diamonds were first discovered. The man used to dig them for himself at first. Then the Natives came along and they were employed because they worked for a very low wage. Then the white man went to the Native territories and brought Natives from there to the mines, and thus gradually the recruiting system began. Enormous sums of money had been spent on recruiting Natives in large masses for the gold, coal and other mines and industries.

"At a very early date there were not enough Natives content to work at this very low wage among our own Natives and so Natives were brought in from Mozambique, and then you will remember, more than 20 years ago it was said that there were not enough Natives in the Country, and so they sent to China and got Chinese to come out to work for the same low wage. When the Chinese went away the Government helped in trying to get Natives to come from the Cape Colony at the same low wage. Now this has not been good either for the Native people or for the European workers.

"For the Natives one effect has been that their territories have been looked upon principally as a place from which to get cheap Native labour instead of looking upon them as territories in which Natives should be helped to discharge their responsibilities and make their territories happy, and where they could develop along their own lines. The present system works out badly for the European workers because all the avenues are crowded with Natives working under contract on a wage on which a European cannot exist. Now the question the Government and the country is faced with is this: Are we to go on drifting like a log in a stream, or are we going to study what is best both for the European and the Native and try so to arrange things that each can develop his own nature with the least possible interference one with the other? When you have a thing of many years' standing

and it is all tangled up as this is, you cannot suddenly take it and tear it apart without hurting people. You have got to go very carefully, disentangling one string at a time lest you break one and injure people. I want to progress now when there is a great deal of unemployment among Europeans—I should like to do—a great deal more than I have done—but the Government has to realize the difficulties of the situation. Here is a European and there is a Native. When I want to go so far my friends here (the Minister indicated the members of the Native Affairs Commission and the officials of the Department) say 'No, we must make arrangements for the Natives.

"Now this native taxation measure which you have been discussing for the last two days, and particularly with regard to the large sums of money for agricultural education and instructors is just part of the machinery to help the Natives. While provision is being made on the European side the native side is also receiving attention.

Proceeding Colonel Creswell said: "that more and more Europeans should take part in every phase of activity. Now all that was not a thing which could be done suddenly. They would have to go very carefully because the habits of the Europeans and the Natives could not be changed by 'just saying so'.

"The Government fully realize their responsibilities towards the Native peoples of this country. The Government fully realize two things: First of all that those Natives who wish to advance in civilization should have the opportunity of doing so; and they realize that in order that there shall be the least possible clash between the Europeans and the Natives that they should direct and focus their help mainly towards Natives in their own territories so that these may be a centre of their own advancement. And while we recognize that, we also recognize the necessity for maintaining the European civilization in this country as a vigorous and strong one. You know that the Native peoples in this country owe their present security and much else to the civilization which the European people have brought to Africa. You also owe some evil things which are due to the Native being taken out of his more natural conditions. Well, we want to try to preserve the good and diminish the evil as much as we can. What I have sketched to you in speaking of the present conditions of affairs is merely an indication on broad lines.

The Minister continuing, said with regard to particular measures the question would have to be considered whether the time had arrived for a particular action, and various circumstances would have to be taken into account in order that justice might be done to both Natives and Europeans. Not only from the European side would they be warned if they went too far. From the Native side, from the Native Affairs Commission and the Department, it would be said to them, "You must think about the Natives in this case."

"So you need be under no anxiety, under no alarm, that the measures which we may feel bound to take in the interest of the Native peoples will not be brought to our attention by the Native Affairs Department and the Native Affairs Commission."

Mr. Thema, in moving a vote of thanks to the Minister, said when the Natives were first recruited for labour they would have been content to remain in their kraals. The Europeans, however, had not been content to remain in Europe, and they caused the great changes in this country. It is most unfair for the Europeans, therefore, not to consider the interests of the Natives at the present time.

If the Government wished to do something for the Natives they would have to consider the question of land. He was not referring to segregation, but he thought that Natives were entitled to more lands on which to develop. The Natives Land Act was introduced to provide farmers with cheap labour, but the effect was to drive the Natives into urban areas. There was no danger to white civilization to-day, because it was established in the midst of the barbarism of the people. How could anyone expect the Natives to go back from a civilization to which they were awakening? He realised the gravity of the problem, but he thought it would lead to greater understanding if the blacks and whites conferred more frequently. In the past, measures for Natives were brought forward without consulting the Natives. In conclusion he appealed to the Minister to make ample provision for Native settlement on the lands if an adjustment of the labour problem was to be attempted, and he drew attention to the fact that Europeans had turned their eyes to North Zululand, essentially a Native territory.

Mr. Jabavu seconded the motion, and said that Sir George Grey had employed cajolery to get the Natives off the land to work for Europeans. The great Cecil Rhodes had employed similar means. In the Cape out of 260,000 square miles only 3,000 square miles were in possession of Natives, and over a million Natives populated that small area.

If the Natives were being taken off the land where would they go? With regard to urban areas, the opposite was the case, because Natives who were born in towns could not go back to the land. He hoped the Minister would consider sympathetically all the points raised.

Mr. Mahabane associated himself with the previous speakers, and eulogised the work of the Native Affairs Commission in their endeavours to persuade the Government not to act too quickly in the replacement of Natives by whites.

He appealed for greater race co-operation, and mentioned the work which Dr. Jesse Jones and Dr. Loram had done in this respect. There could only be race co-operation if all sections of the population were consulted on vital questions, otherwise wrong impressions might easily be created. The

great congestion of the Native people should also be considered, and by replacing Natives by whites this congestion was being increased. It was regrettable that the Government had set the example, especially on the railway, of this replacement of the Natives.

He hoped in conclusion that the Government would not bring forward any more oppressive and repressive measures. The Natives were by nature socialists and communists, and they knew what oppressive measures had produced in Russia —Bolshevism. By introducing oppressive measures the Government were creating a fertile field for Bolshevism, Ghandiism and other evils.

Colonel Creswell, in reply, said that about two years ago he had read an article written by one of them, Mr. R. V. S. Thema, Johannesburg. It was entitled "Race Problems." Mr. Thema was the first among the Native race he (the Minister) came across who recognized that what was called the "Native problem" was a problem which was on the one side the white problem, and on the other the Native problem.

But it seems to me, proceeded the Minister, that Mr. Thema this morning was looking upon the whole matter from the Native point of view.

"Might I ask Mr. Mahabane," Col. Creswell said here, "is it wrong for the European people in their industries to employ Europeans?"

(*Mr. Mahabane*: No, sir.)

"You say the Native has nowhere else to go," the Minister went on. "And the European? Is he to starve outside?"

"Mr. Mahabane had spoken of the country being divided —one-half European and the other half Native. Do the Europeans, asked the Minister, teach the Natives nothing in regard to the methods of agriculture, and so on? Do the Natives owe nothing?

"Some of the delegates to-day have spoken as if the Government intended to take all the Natives wholesale out of the towns and fling them on to the veld. There is no ground for any such apprehension.

"May I say I have seen in the Press many remarks which might give Natives that impression. I am afraid behind that feeling are many, many Europeans who principally look upon the Natives as convenient people to exploit in the industries.

"I thought I had said the Government, in pursuing their policy, are going to be even-handed. And we realize—as one of the speakers stated—that we have got land. There are two things about land. There are two ways of increasing land, you know.

"One is by taking more acres; the other is by successful agriculture, to be able to produce more on the same land. What we have already begun—what we have continued in

this Native Taxation Bill—will be the setting aside of considerable sums of money merely to instruct and educate the Natives in agriculture.

"Don't you approve of that? Is not that a good thing to do. Should not that money be expended?

"I want to get out of your mind what may have been suggested—from other quarters—that it is the intention of the Government to take all the Natives out, like you take a lot of apples in a basket, take all the Natives out of the towns and throw them away like that.

"There is no such intention. But we have also a responsibility to the European, and the European youths in this country, so that they have a fair and good entry into the activities of this country.

"Mr. Thema said there was no danger to European civilization from men like himself, and many others. Of course there is not—not a particle! But there is danger to the European civilization of this country if by the arrangement we have drifted along into, increasing numbers of Europeans cannot earn a living in the country.

"There are many other elements in the situation which produced the present condition of affairs. He (the Minister) would be very pleased to discuss the whole matter with any deputation.

"I want to finish up on the note that Mr. Thema himself struck in the article," Col. Creswell concluded.

"This problem is not the Native problem. It is the Native and white problem; it is the race problem. And if you are to make progress with it you must not do what Mr. Mahabane suggested we are doing—using material entirely from the exploiting idea.

"No; you have got to regard it with a long view to the future. We believe we are doing so in the way we are tackling it—in trying to get towards a position where there will be less tendency to race antipathies, and more real co-operation instead of pretended co-operation.

"Don't imagine, on the one hand, that the policy of the Government is to throw the Natives away like you would a kitten.

"On the other hand, don't presume to think that in this country the European has not got the right to get employment in every possible occupation. I am sure there is no such assumption on the part of the Native population."

Colonel Cresswell then retired.

Major Herbst stated that the Conference would now consider section *twelve*, and enquired whether Mr. Jabavu's objection to a tax of £1 was mainly on the ground that the Natives paid sufficient indirect taxation.

Mr. Jabavu said his contention was that the amount of direct and indirect taxation paid by the Native was sufficient to enable the Government to contribute towards the

development fund without levying extra taxation. The Natives did not get the full benefit of their taxation.

Mr. Fenyang agreed with Mr. Jabavu, and considered that a tax of 15s. was sufficient.

Major Herbst said the question of indirect taxation was a most difficult one. He did not agree with Dr. Loram's figures. Each one had his own opinion, but exact proof could not be given. Then as regards the services which the Natives received these could not be definitely stated. It was impossible to say how much the Natives should pay for the services of a magistrate who tried both Native and European cases.

The question of how much money was required from Native sources had been fully discussed with the Prime Minister and the Minister of Finance.

With a tax of 15s. the Development Fund would receive nothing as the tax would only produce £845,000, and the Treasury demanded £900,000.

Section twelve (a) was passed, and sub-section (b) deleted.

Sections 13, 14, 15, 16, 17, 18 *and* 19 *were passed.*

Mr. Mahabane referred to the difficulty in obtaining funds for education and enquired what was the position in regard to the sum of £60,000 advanced by the Union Government.

Dr. Loram replied and it was agreed that the matter be left in the hands of the Native Affairs Commission.

Note.

On the conclusion of the consideration of the Taxation Bill Major Herbst intimated that a Bill was being drafted with the following objects in view:—

(i) To give the Governor-General the power to legislate (within certain limits) by Proclamation in Native matters.

(ii) To enable Courts throughout the Union to try cases between Natives under Native Law and Custom.

(iii) To establish a Native Appeal Court for the Union.

He stated that he had hoped to have the Bill ready for this Conference but it had not been possible to complete it.

He would be glad if the delegates would, however, give their views on the proposals.

Informal discussion ensued.

Mr. Makiwane moved and spoke in support of the following motion:—

> "That this Conference recommends to Government the incorporation of the courts of Native Chiefs in the judicial system of the country in such a way that when an action has been decided by the Chief and the losing party has not within one calendar month from the date

of judgment noted an appeal to the Magistrate's Court; such judgment may be made an order of the Magistrate's Court and enforced at law similarly to a judgment delivered in such Court, when such judgment is in such form, written or not written, that the Resident Magistrate of the district in which the losing party is resident is able to certify that the proceedings in such action appear to him to be in accordance with real and substantial justice, either according to law or Native custom."

Mr. Jabavu seconded and spoke in favour of the motion.

Mr. Kumalo also favoured the motion and objected to lawyers being allowed in Native cases.

Dr. Molema said from his experience in British Bechuanaland he was against Chiefs' Courts.

The motion was adopted.

Mr. Mahabane moved and spoke in support of the following motion:—

"That in the opinion of this Conference the usefulness and prestige of the Native conferences summoned by the Government in terms of section *sixteen* of the Native Affairs Act of 1920 would be better enhanced in the view of the Bantu people of the Union if the said Conferences were partially selective and partially elective.

"This Conference therefore respectfully recommends and requests the Government to create machinery by means of regulations to be framed under the provisions of the Act providing for the selection of a portion of the representatives to the Conference by the Governor-General-in-Council, a portion by the principal Chiefs of the Union and a third by 'any Association or Union purporting to represent any Native political or economic interest.'"

Mr. Jabavu seconded and thought that delegates should be selected for 3 years.

Major Herbst said that the last Conference had seen how difficult this question was. He was quite prepared to consider the motion.

The motion was agreed to.

Mr. Mahabane moved the following motion:—

"Whereas in the course of Administration of justice in the Courts of law in this land a series of verdicts and sentences pronounced upon white persons and black persons charged with criminal offences in which members of the two races are involved has shown a tendency in the direction of discrimination and differentiation based upon colour prejudice;

"And whereas such verdicts and sentences have had the effect of discrediting the jury system as at present constituted in the eyes of the black population of the Country;

"This Conference respectfully yet strongly urges upon the Government to take into serious consideration the question of the advisability and expediency, in the interests of common justice and of the peaceful relations between the European and Bantu or non-European races of this country, of introducing legislation providing for the trial by a Judge of the Supreme Court assisted by two Assessors, one of whom shall be a Magistrate or other legally trained European and the other a blackman, where the offender and the complainant in the case are of two opposite colours."

Mr. Jabavu moved the following:—

"That in block areas declared clean from East Coast Fever dipping intervals be lengthened from seven days to fourteen in summer, and to a month in winter."

Major Herbst in closing the Conference said that a great deal of work had been done by the Conference. He was not quite satisfied with some of the resolutions. He hoped many Native Councils would soon be established. He wished them all a safe journey.

Dr. Roberts and Dr. Loram and General Lemmer addressed the Conference and thanked Major Herbst for the manner in which he had conducted the proceedings.

Mr. Mahabane moved the following vote of thanks:

"That this meeting desires to present its cordial thanks to the Chairman, Major J. F. Herbst, for the conspicuously able, exemplarily impartial and dignified manner in which he has presided over the proceedings of this the third Native Conference held under the provisions of Act No. 23 of 1920."

Major Herbst replied.

The Conference closed at 5.30 *p.m.*

ANNEXURE C.

MEMORANDUM.

NATIVE CONFERENCES UNDER THE NATIVE AFFAIRS ACT, 1920.

Section *sixteen* of Act No. 23 of 1920 reads:—

"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 any Native political or economic interest, with a view to the ascertainment of the sentiments of the Native population of the Union or of any part thereof, in regard to any measure in so far as it may affect such population.

" 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."

This section is by no means the least important in the Act. It has made a big impression on the Natives throughout the Union, indicating as it does the principle of consulting the Native population upon measures affecting them.

At the outset it will be well to analyze the section and to have as clear a view as possible of the objects underlying it.

The first point that strikes one is that the word " conference " is used in this section which also refers to the " deliberations " of the Conference. The intention seems to be that the meeting between the Natives " convened " and the persons " designated " should be in the nature of a full, free and friendly expression of views upon the matter before the meeting. By this exchange of views, by the presentation of relevant facts, the " deliberations " would be informed and fructify. " Deliberation " not " debate " seems indicated and thus whether at this stage the proceedings of a conference should be public is a debatable point.

It seems clear from the Section :—

(1) That the Commission must in the first place recommend the holding of a conference.

(2) That the Governor-General may or may not accept the recommendation.

(3) That the conference may consist of (*a*) chiefs, (*b*) members of Native Councils, (*c*) members of Local Councils under the Act, (*d*) prominent Natives and (*e*) Native delegates *invited* from any association or union purporting to represent any political or economic interest.

(4) That the conference is convened for the purpose of ascertaining the sentiments of the Native population *either* of the *Union* or of *any part thereof* in regard to any measure in so far as it may affect such population.

It follows therefore that absolute discretion is vested in the Governor-General in regard to the Native personnel of a conference, although the Act indicates for his guidance certain classes of Natives from whom members of a conference may be selected by him.

Further there must be some *measure* upon which the sentiments of the Native population are required.

Action has been taken under this section on two occasions by the Governor-General who convened the first conference at Bloemfontein in May, 1922, for the specific purpose of ascertaining the views of the Natives on the Natives (Urban Areas) Bill then before Parliament. At this conference the proceedings were private, and the discussions were free and friendly. The second conference was convened at Pretoria in September, 1923, with a view to the consideration of proposed measures to deal with the Pass Law and certain aspects of Marriages according to Native Custom. At this conference the proceedings were public, the press in attendance and a large Native audience present. The atmosphere was rather that of a "parliament" than a "conference" and compared unfavourably, to my mind, with the helpful spirit of the previous conference.

For each of these conferences the Governor-General selected Natives falling within the classes mentioned in the Act except delegates from political associations or economic unions—although as a matter of fact many of the Natives attending those conferences were leading members of such associations.

After the conference of May, 1922, some prominent Natives and a section of the Native press expressed the view that conferences could not be regarded as representative of Native sentiment, inasmuch as the Natives had no voice in the selection of the delegates.

Bearing this in mind the Acting Prime Minister at the Conference of 1923 asked the Native delegates how future Conferences might be constituted.

Mr. Malan pointed out that to make the election fair and reasonable, two things were necessary:—

(*a*) The voters must be known and machinery exist for taking their votes.

(*b*) The people must understand what representative government means.

A most interesting debate ensued, many suggestions were made such as:—

The delegates must be entirely elected, otherwise suspicion would be aroused in the Native mind; delegates should be partly elected by Native political associations, partly nominated by the Chiefs and partly nominated by the Government; election would cause friction; the best delegates would not be obtained by popular election; delegates should be chosen from the Cape by the Native registered voters and by exempted Natives in the Transvaal, Natal and Orange Free State; the Government should nominate all delegates; delegates should not be chosen from political associations; Conferences were a new thing, let the Government carry on as in 1922 and 1923; Natives owning landed property valued at £75 or earning wages of £50 per annum should be entitled to elect delegates.

During the debate most delegates seemed to realize that the absence of machinery constituted a great difficulty in allowing popular representation, and ultimately the Conference decided that the question be left over until 1924.

Now, while as pointed out above, the Governor-General has absolute discretion to say who shall attend any Conference, it is most desirable that the undoubted desire of a portion of the Natives to select their own delegates should be met, if possible, that is to say, to allow the names of elected delegates to be put before the Governor-General for him to nominate.

With this object in view and in order to have some concrete proposal to put before the Conference in 1924, an attempt will be made to indicate on what lines future Conferences might be constituted.

In doing this one must bear in mind the following:—

(1) Representation on a population basis.

(2) Density of the Native population in specific parts of the Union.

(3) Community of interests.

(4) Tribalism.

(5) Provincial characteristics, such as Native development—according to European ideas—in education, in civilization, in the sense of responsibility of selecting representatives.

The Native population according to the Census figures for 1921 is:—

	Urban.	Rural.	Total.
Cape:			
Ciskei	117,708	583,464	
Transkei	6,864	932,126	
	124,572	1,515,590	1,640,162
Natal:			
Natal	53,819	835,156	
Zululand	729	250,100	
	54,548	1,085,256	1,139,804
Transvaal:	347,645	1,148,224	1,495,869
O. F. State:	60,235	361,743	421,978
Union:	587,000	4,110,813	4,697,813

If the number of delegates to a Conference be fixed at 50 then, on a population basis, each delegate would be regarded as representing 93,956 persons, and the various Provinces would be approximately entitled to the following delegates:

Cape	18	(Ciskei 8, Transkei 10).
Natal...	12	(Zululand 3, Natal 9).
Transvaal...	16	
O. F. State	4	

This is of course arbitrary, and if carried to a logical conclusion the delegates would have to be split up to represent urban Natives and rural Natives. To do this would, in my opinion, militate very much against the usefulness of a Conference convened on those lines, as I have pointed out above other considerations must be taken into account.

While therefore the numbers assigned to the various Provinces on the population basis should be accepted they should be used in an elastic manner cognizance being taken of the considerations I have indicated.

First dealing with the provincial characteristics it is, I think, unanimously conceded that the Cape Natives lead the way in their state of development, both in the Ciskei and the Transkei. In the Transkei they have practically common interests, and tribalism is roughly divided by the geographical territories of Tembuland, East Griqualand, Transkei, East Pondoland and West Pondoland. There are the General Council and the Pondoland Council, which are believed to be representative.

While, therefore, the Transkeian Territories are entitled on a population basis to 10 delegates, the circumstances existing there are such that their interests could equally well be served by a less number, and there should be one representative from each of the Territories mentioned.

The General Council should be invited to nominate three of its members, and the West Pondoland Council asked to nominate one of its members.

In East Pondoland the Chief might be asked to suggest the names of delegates from whom one would be chosen by the Governor-General.

Thus the Transkeian Territories would be represented by four elected and one nominated delegates.

In the Ciskei conditions are very different. In the Western Province the rural Native population is, for the purpose of this memorandum, negligible, and it is only the Eastern Province, British Bechuanaland and Griqualand West that large masses of Natives are found living under rural conditions. The rural Native interests within the Western Province could very well be accepted as safeguarded by representatives from the areas mentioned.

Rural conditions in the various districts of the Eastern Province are more or less similar. There one finds (1) the "ordinary tenant"; (2) the "labour tenant"; (3) the farm servant; (4) the inhabitant of a communal Crown Location; (5) the inhabitant of the "surveyed" Location; (6) the resident of a mission station; and (7) the landowner.

Tribalism exists sentimentally, but with few exceptions the present geographical occupation is not on tribal lines.

The lines of demarcation between white occupation and black occupation have been the results of factors changing from time to time during the last 90 years, following no rule, conforming to no preconceived plan.

Intermingled with, adjoining and surrounded by whites the Native interests are in those parts much more subject to complicated considerations than is the case in other parts of the Union.

In round figures the rural population of the area comprising the Districts of East London (22,000), King William's Town (82,000), Cathcart (10,000), Komgha (13,000), Queenstown (19,000), Stutterheim (9,000), Glen Grey (42,000), Herschel (37,000), Wodehouse (11,000), Albany (11,000), Fort Beaufort (4,000), Alice (12,000), Peddie (20,000), may be taken as 292,000.

Having allowed the Transkei with its rural population of 933,000 and its common and more or less simple conditions a representation of 5 delegates, it does not seem extravagant that the Eastern Province rural population should be allowed a representation of also 5 delegates in view of their more complex varying conditions. Of these I think one should be nominated by the Glen Grey Council and one selected for the Herschel District, the remaining three being selected from residents amongst the remaining districts.

Turning to the British Bechuanaland and Griqualand West Native rural population of say 123,000, both in the Crown Locations and on farms, I suggest that it should be represented by 2 delegates, to be nominated by the Governor-General.

For the representation of urban Natives the Advisory Boards established under the Native (Urban Areas) Act, 1925, should be utilized in the following way:—

The Advisory Boards of the coastal towns, Cape Town (4,468), Port Alfred (1,493), Port Elizabeth (6,149), East London (10,288), should be asked to nominate one of its members and from such nominees one (1) delegate would be selected by the Governor-General.

The Advisory Boards of local authorities controlling locations occupied by more than 1,000 Natives should be asked to nominate one of its members, and from such nominees 2 delegates should be selected by the Governor-General.

The remaining 3 delegates should be selected by the Governor-General to represent the general provincial interests.

The position in the Cape Province would then be:—

	Elected.	Nominated.
(1) *Rural Population*:		
(*a*) *Transkeian Territories*:		
(i) Tembuland	1	—
(ii) East Griqualand	1	—
(iii) Transkei	1	—
(iv) West Pondoland	1	—
(v) East Pondoland	—	1
(*b*) *Eastern Province*:		
(i) Glen Grey	1	—
(ii) Herschel	—	1
(iii) Remainder	—	3
(*c*) *Bechuanaland and Griqualand West*:	—	2
(2) *Urban Population*:		
(i) Coastal Towns	1	—
(ii) Other Towns	2	—
(3) *Provincial Interests*:	—	3
	8	10

The Native Affairs Commission has expressed the opinion that a conference should be held annually and the Government has indicated its concurrence in this view, so that it may be accepted that annual conferences will take place.

The view has been expressed that the value of these would be greatly increased if the delegates instead of being elected or selected annually were to have more continuity of service, instead of their being birds of passage.

Whether the general Native opinion would endorse this view I am unable to say but if the General Council and other bodies electing delegates concurred there would be no difficulty in accepting the principle. In any case the Government could adopt it in regard to the three (3) delegates nominated in respect of Provincial interests.

I suggest that these " provincial delegates " be nominated for a period of three years: Council delegates for two years and other delegates for one year.

Passing on to Natal we find conditions of a different nature; in Natal proper the Natal Native Code with its inflexibility has perhaps acted as a brake upon the development—whether from a European or a Native point of view. It has crystalized Native custom and has taken no cognizance of changes which must inevitably occur from the juxtaposition of two

races—one virile and dominant—with fundamental differences, mentally, morally and physically.

One of the delegates of the 1923 Conference suggested that Natives holding "letters of exemption" should elect delegates. This suggestion will be appreciated at its value when it is mentioned that in the last 23 years only 641 letters were issued in respect of a present population of 1,140,000.

To place upon a people such as the Natal Natives the duty of electing delegates would be unwise—owing to their lack of responsibility in this connection—and impracticable. Nor does it seem practicable or advisable for the Chiefs to be asked to select delegates: if it were practical such a course would surely result in giving rise to petty tribal quarrels and jealousies.

For the present there is, in my opinion, no course but for the Government to select delegates to represent the rural Native population.

This population consists of residents in Native Reserves, in Mission Reserves, on Native owned land and on Crown land as well as labourers or squatters on European farms.

Their number in round figures is:—

In Natal (proper)	835,000
In Zululand	250,000
Total	1,085,000

The quota of delegates assigned to the Natal Province is 12 (Zululand 3) and of these I suggest that the rural population be represented by:—

1 nominated delegate from Zululand.
5 nominated delegates from Natal.

The urban population according to the Census Report is 54,548 the most important towns concerned being:—

Durban	28,660
Maritzburg	9,756
Ladysmith	1,930
Vryheid	1,838
Greytown	1,678
Dundee	1,465
Newcastle	1,625
Paulpietersburg	1,200

Durban as a coastal town and containing nearly half the total of the urban population deserves special recognition, and I think that the Advisory Board should be asked to nominate two (2) delegates.

Maritzburg with its large population and the capital of Natal should be allowed to nominate one delegate from its Advisory Board.

The Advisory Boards of all urban local authorities in charge of a location containing a population of 500 or more should nominate one of its members and from those members the Government should select one delegate.

The Government should nominate 2 delegates for the whole Province.

The position in the Province of Natal would then be:—

	Elected.	Nominated.
(1) *Rural Population*:		
(*a*) Zululand	—	1
(*b*) Natal	—	5
(2) *Urban Population*:	4	—
(3) *Provincial Interests*:	—	2
	4	8

The Transvaal's quota is 16, and I suggest that it be distributed as follows:—

	Elected.	Nominated.
(1) *Rural Population*:		
(*a*) Zoutpansberg and Pietersburg	—	3
(*b*) Lydenburg and Middelburg	—	2
(*c*) Pretoria	—	1
(*d*) Rustenburg and Waterberg	—	1
(*e*) Piet Retief and Barberton	—	1
(*f*) Lichtenburg and Marico	—	1
(2) *Urban Population*:		
(*a*) Rand	3	—
(*b*) Pretoria	1	—
(*c*) Other Municipal Areas	1	—
(3) *Provincial Interests*:	—	2
	5	11

The Orange Free State's quota might be utilized as follows:

	Elected.	Nominated.
(1) *Rural Population*:		
(*a*) Thaba Nchu & Witzieshoek	1	—
(*b*) Other Districts	—	1
(2) *Urban Population*:		
Bloemfontein	1	—
(3) Provincial Interests	—	1
	2	2

SUMMARY.

	Rural.		Urban.		Provincial.	Total.	
	E.	N.	E.	N.	N.	E.	N.
Cape	5		3	—	3	8	10
Natal	—	6	4	—	2	4	8
Transvaal ...	—	9	5	—	2	5	11
Orange Free State	1	1	1	—	1	2	2
Union	6	23	13	—	8	19	31

The views expressed in this memorandum must be regarded as personal.

(Signed) R. S. MEDFORD.

Pretoria.
9th October, 1923.

[U.G. 40—'25.]

UNION OF SOUTH AFRICA.

REPORT

OF THE

NATIVE AFFAIRS COMMISSION

FOR THE

Years 1925-26.

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

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UNION OF SOUTH AFRICA.

Report of the Native Affairs Commission for the years 1925 and 1926.

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

HIS EXCELLENCY THE GOVERNOR-GENERAL.

Your Excellency :—The Native Affairs Commission did not submit a separate report for the calendar year 1925 and this report covers that year as well as 1926.

During the period in question the Commission has been in close touch with the Government and at its meetings matters of policy and legislative proposals have been frankly discussed and advice tendered.

Such discussions, of their very nature, must be regarded as confidential and until the Government submits to Parliament definite legislative proposals the Commission feels that its considered views on those proposals should not be formulated for publication.

A statement (Annexure I) indicating some of the activities of the appointed members is attached for Your Excellency's information.

J. B. M. HERTZOG,
Chairman.

ALEX W. ROBERTS,
P. W. VAN NIEKERK,
C. T. LORAM,
Members.

R. S. MEDFORD,
Secretary.

Cape Town,
11th February, 1927.

ANNEXURE I.

PERSONNEL OF COMMISSION.

The periods of office of Dr. Roberts, Dr. Loram and General Lemmer expired, respectively, on the 2nd November, 1925, 15th November, 1925 and 11th March, 1926. The first two were re-appointed for a further period of five years while Mr. P. W. le R. van Niekerk, M.L.A., succeeded General Lemmer.

ABSENCE OF DR. ROBERTS.

Dr. Roberts was nominated as one of the South African representatives at the Triennial International Congress of Astronomers which was held at Cambridge University in July, 1925, and this entailed his absence from South Africa from the 27th June to the 13th September.

ABSENCE OF DR. LORAM.

Dr. Loram's services were placed at the disposal of the Natal Provincial authorities from the 1st May to the 5th September, 1925, during which period he acted as Superintendent of Education.

He was absent on long leave from the 6th March to the 28th November, 1926.

LAND FOR NATIVE OCCUPATION.

In January, 1925, members made a tour of the Transvaal and Natal with a view to ascertaining the feeling of the Europeans in regard to the setting aside as "Native Areas" under future legislation those areas which had been suggested by the Eastern Transvaal Local Land Committee and the Natal Local Land Committee. Public meetings were held at various centres and the following are extracts from the reports furnished by the members:

(1) *Transvaal:*

"The meetings of the Commission were well attended, in every instance the members of Parliament for all the districts concerned were present at meetings. The Commission was greatly helped by the Magistrates and District Native Commissioners, in all cases the former officers presiding at the meetings held.

"The Commission besides convening public meetings at the centres already indicated as far as time and opportunity served met important farmers, officials of farmers' associations and others whose judgment on the matters referred to the Commission by the Government was of value.

" After the first meeting there seemed to be a consensus of opinion pointing to an arranged presentation of the views of the various districts.

" These views definitely resolved themselves into three or four distinct opinions.

" (i) The land conditions of the Northern and Eastern Transvaal had considerably changed during the past twelve years.

" Certain lands that were then regarded as of no value—as for instance portions of the Low Veld—are now of considerable value.

" The discovery of platinum in the Lydenburg District has materially altered the value of the land in this District. The planting of cotton in the North Eastern parts of the Transvaal has turned waste lands into valuable areas.

" All this change has tended to give an altered value to the 1916 and 1918 delimitations.

" (ii) Except at Lydenburg the various centres urged that both the Beaumont and the Stubbs Reports should be scrapped and that a new Land Commission should be appointed to define Native Areas, this Commission should have at the different sittings in addition to the permanent members local men who would assist in indicating local circumstances that should be taken into consideration.

" At Lydenburg this view was not pressed but the opinion was urged that the farms along the Steel Poort and Olifants Rivers should be excluded from the Native Area.

" (iii) There was strong opinion expressed at Pietersburg and Louis Trichardt regarding the findings of the Stubbs Commission.

" It was considered that the settlements of this Commission, as far as the Low Veld was concerned, were too generous towards the Native.

" In explanation of this it is necessary to point out that when the Stubbs Report was drawn up in 1918 the Low Veld had not acquired the importance and value that belong to it to-day.

" One can remember the criticism on the part of many friends of the Natives that it was unjust to relegate them to such unhealthy and worthless lands.

" (iv) The opinion was frequently expressed that any arrangement of areas should take into consideration the constant need for farm labour, and that labour near at hand.

" There was no doubt but that this was becoming a very great difficulty in certain parts of the Transvaal, and it was urged that any rearrangement of areas should