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

South Africa. Native Affairs Commission

1927
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ANNEXURE C.

Union of South Africa.

Department of Native Affairs.

Pretoria,
14th July, 1923.

From frequent allegations appearing in the Press and from other statements brought to the notice of the Department of Native Affairs, there appears to be a great deal of misunderstanding not only on the part of the Natives but also on the part of Europeans in regard to the action taken and the policy followed by the Government since the passing of the Natives Land Act, 1913, to enable Natives to acquire land or interests in land under the restrictions imposed by that Act.

The following statement has therefore been prepared and published for general information by direction of the Minister.

G. A. GODLEY,
Acting Secretary for Native Affairs.

Statement on the Natives Land Act, 1913, and subsequent Administrative Policy.

1. The Natives Land Act, No. 27 of 1913, gave effect to the policy approved by Parliament that there should be a measure of territorial separation of land rights as between the European and Native races.

2. The restrictions laid down in section 1 of the Act checks the indiscriminate occupation of land by Europeans and Natives with its attendant evils.

3. Appended to the Act is a schedule of native areas in which no person other than a Native can acquire any interest in land without the special permission of the Governor-General. Outside of these areas no Native may hire, or acquire any land or interest in land from a European, nor a European from a Native, without the approval of the Governor-General.

4. The areas mentioned in the schedule to the Act comprised all then existing Native reserves or Locations throughout the Union, and in addition much land privately owned by Natives for tribal purposes.

5. The Act maintains the *status quo* as regards the ownership and occupation of land in the Union relatively by

Natives and by persons other than Natives—so far as that could be done without imposing undue hardship—"until Parliament should make other provision" in the direction of further legislation to be based on the report of the Natives Land Commission, for the appointment of which provision was made in section *two* of the Act.

6. The Commission (commonly called the Beaumont Commission), whose inquiries were delayed by the war, submitted its report in 1916.

7. In the following year the further legislation foreshadowed in Act No. 27 of 1913 was introduced into Parliament in the shape of the Native Affairs Administration Bill. The Native areas recommended by the Beaumont Commission were embodied in a schedule to the Bill, which after the second reading was referred to the Select Committee on Native Affairs.

8. After hearing a vast amount of evidence from both Native and non-Native sources, the Select Committee found that the recommendations of the Beaumont Commission could not be accepted in their entirety, and recommended the appointment of "Local Committees" to revise the recommendations of that Commission. Local Committees were accordingly appointed in respect of (1) the Cape Province, (2) Orange Free State, (3) Natal, (4) Eastern Transvaal, and (5) Western Transvaal.

9. The Local Committee reports were furnished in 1918, and the proposals put forward were received with the same antagonism as had been exhibited in many quarters on the part of both Europeans and Natives towards the recommendations of the Beaumont Commission as embodied in the Native Affairs Administration Bill.

10. The Government decided, therefore, that the Native Affairs Administration Bill covered too wide a field, that the various principles embodied in it might more suitably be dealt with in more than one legislative measure, and that it would be premature to ask Parliament to set aside definite Native and non-Native areas until some of the other principles had been dealt with.

11. In other words, it was clear to the Government that the time was not ripe to deal finally with the position arising out of the legislation of 1913 until the recommendations of the Beaumont Commission and the various Local Committees had been co-ordinated and machinery devised for enabling Native opinion to be focussed on the proposals.

12. Consequently the Government decided that before further action was taken to deal with the land question the more helpful course would be the passing of legislation having as its objects:—

(*a*) the appointment of a permanent Native Affairs Commission with full advisory powers,
(*b*) the establishment of Native local councils; and
(*c*) the summoning of representative conferences for the purpose of ascertaining Native sentiment, feeling,

and opinion in regard to any proposed legislative measure particularly affecting the Native population of the Union.

Legislation was accordingly introduced on these lines and became law under Act No. 23 of 1920.

13. In the meantime the Government, as will be seen below, has not hesitated to supply by administrative action indispensable requirements which it was originally intended should be met by the further legislation foreshadowed in the Natives Land Act.

14. In July, 1918, General Botha decided that applications by Natives to buy or lease land should be dealt with on the following lines:—

(i) If the land was situate in an area recommended by the Beaumont Commission as well as by a Local Committee for Native occupation and it appeared that the price or rent was reasonable, the Governor-General should be asked to approve of the transaction.

(ii) If the land was situate in an area recommended for Native occupation by the Beaumont Commission or by a Local Committee (but not by both) the proposed transaction might be submitted for approval after close scrutiny, the likelihood of hardship resulting from a refusal being the deciding factor.

15. This decision met the position in areas where there was considerable identity of recommendation, but proved of little advantage to the Native interests in districts in which the coincidence of recommendation was but slight.

16. The position was consequently reconsidered by the Government in 1922, when it was decided that, in general, Local Committee areas were to be regarded as areas in which Natives could buy or lease land.

17. The present position then is that the Government readily recommends for the sanction of His Royal Highness the Governor-General transactions whereby Natives are to acquire by purchase or lease land or an interest in land in areas recommended for Native occupation by one or other of the Local Committees, and thus, in so far as these areas are concerned, relief is afforded from the restrictions imposed by section *one* of the Natives Land Act.

18. It must be clearly understood that the Government, at this stage, does not propose to expropriate privately-owned land within Committee areas with a view to making such land available for Native occupation, nor does it propose to make free grants of land for tribal locations.

19. Speaking broadly, and excepting, perhaps, certain readjustments and one or two special cases, the time has come when it must be recognized that any additional land which a man or a community now needs must be paid for either by way of purchase or of lease.

20. As regards Crown Land in the Committee areas the Government does not purpose to authorize permanent alienation without Parliamentary authority. It recognizes, however, that Natives should be given liberal rights of user of such land, and has decided, therefore, that no further European rights shall be established. If an exception in this connection is made for very cogent reasons other land equally suitable for Native needs will be made available.

21. This statement applies primarily to the Transvaal and Natal, as in the Cape Province the facilities for acquiring land and interest in land are, so far as Natives are concerned, exactly the same as they were prior to the passing of the Natives Land Act. In the Orange Free State, where Natives are debarred by law from acquiring an interest in land, the position cannot be modified except by legislation. The conditions in the latter Province are engaging the anxious attention of the Government with a view to the law being altered so as to enable Natives of the Barolong Tribe to purchase or lease land in that portion of the Thaba 'Nchu District which was recommended by the Local Committee as a Native area.

ANNEXURE D.

BILL

To provide relief as regards certain consequences resulting from marriages according to Native Custom in areas where such marriages are not recognized by law.

To be introduced by the Minister of Native Affairs.

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Possession of dowry passing in consideration of native marriage not impeachable.

1. Whenever a native man and a native woman have entered into a marriage according to native custom whether before or after the promulgation of this Act where such marriage is not recognized by law, and cattle or other valuable consideration shall have passed to the parent or guardian of the woman, in respect thereof, the possession of such cattle or other valuable consideration by the recipient or his heir shall not be liable to be challenged or impeached upon the ground of an immoral consideration.

Recovery of consideration in case of desertion.

2. Whenever cattle or other valuable consideration have in respect of such marriage passed to the parent or guardian of the woman, and the woman subsequently abandons the marriage without reasonable cause, the man or his heir shall have the right to enforce the return of the cattle or other consideration, or such proportion thereof as would be returnable in the circumstances under native law or custom.

. Whenever children are born as the offspring of
rriage the parents or guardians according to native custom
such children shall, in respect of the control and custody
such children, have the same rights as if the children had
n born in lawful wedlock: Provided that if the mother is
arated from or deserted by the father, she alone shall have
h parental rights which upon her death shall devolve upon
guardian according to native custom: but if the mother
erts the father without reasonable cause the father alone
ll possess all such rights which upon his death shall
olve according to native custom.

. Any claim under this Act may be the subject of an Jurisdiction.
lication or motion in any magistrate's court, or sub-native
amissioner's court.

. This Act may be cited for all purposes as the Native Short title
rriages Act, 1924.

UNION OF SOUTH AFRICA.

REPORT

OF THE

NATIVE AFFAIRS COMMISSION

FOR THE

Year 1924.

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 year 1924.

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

To His Excellency the Governor-General.

In terms of the Regulations published under Government Notice No. 2004 of 1920 the Native Affairs Commission begs leave to submit a report of its work for the calendar year 1924.

During the year 16 formal meetings were held at all of which the Secretary for Native Affairs was present. At these meetings many matters relating to the general conduct of the administration of Native Affairs were discussed and considered.

An account of the activities of the appointed members is attached—Annexures A, B. and C.

J. B. M. HERTZOG,
Chairman.

ALEX. W. ROBERTS,
L. A. S. LEMMER,
C. T. LORAM,
Members.

R. S. MEDFORD,
Secretary.

Cape Town,
6th April, 1925.

[U.G. 40—'25.]

ANNEXURE A.

NEW CHAIRMAN.

On the resignation of the late Government, General the Right Hon. J. C. Smuts and the Rt. Hon. F. S. Malan relinquished, respectively, the offices of Chairman and Deputy-Chairman of the Commission and the members wish to place on record their high appreciation of the unfailing courtesy and kindly treatment extended to them by those Ministers during the whole period of their association with the Commission.

2. The Hon. the Prime Minister as Minister of Native Affairs assumed office as Chairman of the Commission.

In welcoming the new Chairman the members feel that the relations between themselves and General the Hon J. B. M. Hertzog will be equally cordial and helpful as this has already been shown during their short association with him.

ABSENCE OF GENERAL LEMMER.

3. Owing to the dissolution of the House of Assembly General Lemmer was called upon to contest the Electoral Division of Rustenburg and this entailed his absence from the Commission during the months of May and June.

ABSENCE OF DR. LORAM.

4. Dr. Loram was granted permission by the Government to accompany the Phelps-Stokes East African Education Commission on a portion of its tour and this engagement occupied him from the 7th April to the 29th July.

DEPARTMENT OF NATIVE AFFAIRS.

5. The members have kept in close touch with the Government through the Secretary for Native Affairs and wish to thank Major Herbst for the assistance received from him and the officers of the Department of Native Affairs during the year.

NATIVE CHURCHES COMMISSION.

6. The Commission consisting of the members of the Native Affairs Commission and the Rev. P. van der Merwe, which was appointed to enquire into and report upon:—

(i) The origin, nature and extent of any disturbing influences at work among the Natives of the Union, and more particularly the origin and nature of the "Israelite" movement, and

(ii) the origin, nature and extent of the various religious organizations within the Union which are solely under Native control;

has completed its investigations and its report will shortly be in the hands of the Government.

EBENEZER MISSION STATION.

7. Early in 1923 the members assisted in endeavouring to bring about a settlement between the Department of Lands and the Hottentots, residing on the Ebenezer Mission Station, with a view to their removal from a portion of the land comprised in that Station to other land purchased for them by the Government in terms of an agreement arrived at after an investigation in 1920. That agreement had subsequently been repudiated by the Hottentots and it is hoped that the final agreement made between the parties towards the end of 1923, and supported by the members during 1924, will be observed. From the information placed before the Commission the removal is in the interest of the Hottentots and will lead to development under the Olifants Irrigation Scheme of most valuable land which on account of the high water rates could not be successfully worked by the present community at Ebenezer.

NATIVE AGRICULTURAL SHOW AT UMTATA.

8. The Umtata Native Agricultural Society held its annual show at Umtata on the 28th March and as the Commission was invited to nominate one of its members to perform the opening ceremony General Lemmer was selected to represent the Commission. During his visit to the Transkei he took the opportunity of inspecting the Agricultural Institutions at Teko and Tsolo which are under the control of the Transkeian Territories General Council and the following is a short statement of his impressions:—

> "It was with great interest that I visited the Agricultural Institutions at Teko and Tsolo and I was deeply impressed with the agricultural advance of the Natives in the Transkeian Territories and the good work being carried out by those institutions.
>
> "My visits to those institutions and my attendance at the Native Agricultural Show at Umtata convinced me that the Natives in the Territories are adopting proper methods of farming and that the institutions are justifying their establishment.
>
> "The exhibits at the Show were in my opinion good; the fruit and vegetables, excellent; the maize was good but a better type should be planted. This opinion does not, of course, mean that improvement—just as is the case with European agriculturists—is not possible, but that those responsible for the present condition may regard it with gratification and with a reasonable expectation of a continuous improvement in all branches of Native agricultural pursuits.
>
> "In conclusion I may say that I think that the stock kept by the Institutions are the best kinds for raising the standard of Native stock in the Territories."

9. The members are of opinion that Native Agricultural Shows of the standard shown in the case of the Umtata Show deserve, on their merits, apart from the wider outlook, financial support (which they do not receive) from Provincial funds on the same lines as that given to purely European Shows.

TRANSKEIAN TERRITORIES GENERAL COUNCIL.

10. As in previous years the Commission was represented at the Session of the Transkeian Territories General Council. Dr. Roberts represented the Commission at the Council and at the Magisterial Conference.

SOUTH AFRICAN NATIVE COLLEGE.

11. On the 5th May the South African Native College held its first graduation ceremony when two students Zacharia Matthews and Edwin Ncwana received, respectively, the degree of Bachelor in Arts and that of Licentiate in Arts. The importance and significance of the occasion was mentioned in an address by Dr. Roberts who represented the Commission at the ceremony.

DURBAN MISSION STATION.

12. For some years there has been a difference of opinion between the Natives occupying land within the area commonly called the Durban Mission Station, Peddie, and the Department of Native Affairs. The latter claimed that such land as is not held under title by Native owners and which has been used as "commonage" by such registered owners being Crown land falls under the provisions of Act No. 37 of 1884 relating to Native Locations and is subject to Regulations framed by virtue of that Act. This view was opposed by the Natives and the Wesleyan Methodist Church of South Africa which owns in freehold a separate glebe adjoining the "commonage".

13. The latter party's contention being that the Durban Mission Station as a whole, including the "commonage" was originally recognised as a settlement established under the aegis of the Wesleyan Mission Society to be controlled by that body (or its successors in title): that the "commonage" had been appropriated, set apart and from time immemorial recognised as common pasturage of the Mission and that accordingly the "commonage" could not be regarded as subject to Act No. 37 of 1884.

14. The Government decided to enforce its claims and the Church in order to avoid litigation which was threatened should enforcement take place suggested that the Native Affairs Commission be nominated as a Board of Arbitration to decide the issue.

15. This suggestion was accepted by the Government and the members accordingly proceeded to Peddie and heard both parties to the dispute on the 18th July.

16. The material facts were not in dispute between the parties but only the inference and the law on the point were in conflict.

17. The Church based its case upon:—

Firstly, prescriptive rights acquired since 1835;

Secondly, upon the fact that in 1845 a Treaty was made between Governor Sir Peregrine Maitland and the Fingo people in terms of which the Territory within which Durban was situate was handed over to that people who had faithfully observed the terms of the Treaty and that the Church had remained in occupation as before without interference;

Thirdly, upon certain Regulations under Act No. 10 of 1870 (Government Notice 588 of 1884); and

Lastly, upon the ground that a respectable and highly intelligent community of Fingoes had been managing their own affairs under the control of the missionary, and it was their desire to remain so without being placed on a footing with the ordinary Crown Locations where they would have no control over the entry of new residents.

18. The Department relied firstly on the general facts which, it argued, showed that no prescriptive rights had been acquired, secondly on the fact that the Supreme Court of the Cape Colony had ruled that the Treaty had been annulled in 1847 by Governor Sir Harry Smith, thirdly that the regulations gave no rights to the Church, and fourthly that Durban was a Location in law.

19. The members unanimously came to the conclusion that:—

(*a*) The Church (or its predecessor) had agreed in 1855 to give up any rights which it had enjoyed in respect of the Commonage from 1835 to 1855 and to accept an outright grant of a glebe not exceeding 100 acres; that such a grant was made in 1863 and that no prescriptive rights had been proved to have accrued in respect of the Commonage from 1863 onward;

(*b*) The members were bound by the decision of the Supreme Court that the Treaty had been annulled in 1847;

(*c*) That the Regulations conferred no rights upon the Church nor had they been effectively enforced by the Church in support of any proprietary claim;

(*d*) That the Church had failed to establish its contention.

[U.G. 40—'25.]

20. The award was accordingly made in favour of the Government, and in giving it, the members, in regard to the last point urged by the Church, expressed the following opinion:—

> " . . . . . that in any closer settlement or opening up of the Location for new residents, in the construction of new works, in the provision or participation of local government, the greatest consideration should be given to the views of the local Native residents and the resident missionary."

IMMIGRATION REGULATIONS.

21. Cases of inconvenience or hardship suffered by Native students from adjoining Territories who were stopped at the border while proceeding to Union educational institutions were brought to the notice of the Commission.

22. The Immigration authorities on being approached by the Commission were good enough to sanction arrangements which enable the Immigration Regulations to be enforced without students being in danger of suffering similar inconveniences or hardships.

NATIVE EDUCATION.

23. A conference consisting of representatives of the various provincial Education Departments and the members of the Commission was held at Cape Town on the 6th August under the chairmanship of the Secretary for Native Affairs.

24. At the conference it was then understood that a sum of £100,000 would be made available as an advance to provincial authorities for Native Education during 1924-25, being (A) £60,000, the amount which had been granted in previous years for improved salaries for Native teachers, and (B) an additional £40,000 for general development and to bring the salaries up to or nearer the scale approved by the Government. Subsequently the Government decided that only £60,000 could be advanced for that year.

25. Thus the resolutions of the conference passed under this impression cannot be carried out in their entirety.

26. The main resolutions adopted at this conference were:—

(*a*) *Allocation of Grant:*

" That the allocation of the grant for the financial year 1924-1925 be as follows:—

	(A)		(B)		
Cape	£30,000	plus	£26,000	=	£56,000
Natal	10,000	,,	7,000	=	17,000
Transvaal	10,000	,,	5,000	=	15,000
O. F. State	10,000	,,	2,000	=	12,000
	£60,000	,,	£40,000	=	£100,000

on the understanding that the special provision of £5,000 made for the commitments incurred by the Transvaal for the financial year 1923-1924 be taken into consideration at the allocation of grants next year."

(b) Reciprocal Recognition of Cape Certificates and Transvaal Certificates.

"That the salaries payable to the Transvaal unprovisionally certificated male teachers be the same as those paid to the holders of the Cape T.3 Junior Certificate, provided that the standard of admission to Training Institutions be raised to Standard VI with effect from July, 1925, provided also that male holders of the Provisional Certificate proceed to a maximum of £66 only; that the same principle be applied to women."

"That the Transvaal Education Department be asked to pay the Cape P.T.1 and Natal Third Grade male teachers on the scale £42 6s.—£60; and the Cape P.T.2 and Natal Second Grade male teachers on the scale £54 6s.—£72; and that women teachers in those grades be paid corresponding salaries."

(c) European Teachers in Native Schools.

(i) "That the adjustment of the salaries of European teachers in Native Schools and Training Institutions in Natal, the Transvaal and the Orange Free State and in Mission Schools in the Cape is a legitimate charge against the Union contribution for Native Education, provided that the scale be not greater than the scale of teachers in European primary schools."

(ii) "That section ten (2) of the Financial Relations (Fourth Extension) Act, 1922, be amended by the deletion of the words 'salaries of Native teachers', and the substitution therefor of the words 'salaries of teachers in Native schools.'"

(d) Sick and Vacation Pay.

"That the Government take into consideration the urgent necessity for the provision of sick and vacation leave to teachers in Native schools, and considers that expenditure incurred thereunder should be a legitimate charge against the funds provided by the Union Government."

(e) Repayment of Amounts Advanced by Union Government.

"This Conference, understanding that the Treasury made it a condition of any advances that the total amount should be repaid in a lump sum from the

revenue derived in the first year from extra taxation of Natives, urges the Government to allow the repayment of the amount to be spread over a sufficiently long period so as to facilitate much needed development in Native education."

(f) Salary Limit.

"That this Conference urges the Government to remove the limit of £100 imposed in respect of Native teachers' salaries."

(g) Uniform Certificates.

"That with the object of exploring the possibility of securing greater uniformity in the standard of Native teachers in the four Provinces and the ultimate adoption of uniform certificates each Education Department should:—

(*a*) furnish to the three other Provincial Education Departments copies of its syllabus, its examination papers and the standard of marking required for a pass;

(*b*) furnish to the Native Affairs Commission before the 31st March, 1925, its views on the syllabuses, etc., of the three other Departments."

NATIVE TAXATION.

27. In its last Report (U.G. 47—'23) the Commission gave details of a Bill to impose taxation on Natives, but this measure was not adopted either by the late Government or by the present Government.

28. In August the Minister of Native Affairs requested the Commission to go immediately into the question of Native taxation with a view to evolving a scheme to produce extra funds for the education of Natives, and the following are extracts of a Report which was furnished on the 25th idem to General Hertzog:—

"2. With your approval the three senior district officers of the Native Affairs Department, namely, Mr. W. T. Welsh, Chief Magistrate of the Transkeian Territories, Mr. C. A. Wheelwright, Chief Native Commissioner, Natal, and Mr. T. W. C. Norton, Chief Native Commissioner, Ciskei, were summoned to Cape Town and met the Commission in conference on the question.

"3. After a good deal of discussion a tentative scheme was agreed upon by the Commission and those officials, and the financial side in relation to the anticipated Government revenue under it was placed before you and the Hon. the Minister of Finance on the 20th instant.

"4. The Commission was subsequently informed that the Treasury had approved of the financial proposals put forward on the 20th, and this cleared the way for a proposal which has been unanimously adopted by the members of the Commission and the officials in question.

"5. The Commission now wishes formally to report the result of its deliberations and to submit a draft Bill embodying the general scheme of suggested taxation.

"6. As you are aware the various systems of Native taxation in the four provinces have been under continual consideration from the very inception of Union with a view to arriving at some uniformity so as to remove the anomaly of the Transvaal Native paying £2 to the general exchequer while his compeer pays £1 in the Orange Free State, 14s. in Natal, and 10s. in the Cape to the same chest.

"7. Great difficulties arose as soon as an attempt was made to elaborate some scheme. Not only the incidence but the method of taxation varied. In the Cape and the Orange Free State purely Native communities paid taxation for local government purposes, and, in that way, relieved the central government of some expenditure, while this was not the case in the Transvaal and Natal. The Cape practically adopted the 'land' as the basis of its direct taxation in the form of hut tax and quitrent (reserving the 'poll' tax for local government). The Transvaal and the Orange Free State looked to the 'head' for their revenue (although at one time the Natives of Witzieshoek paid both 'hut' and 'poll' tax). Natal at first glance seems to look to the 'land' in its hut tax, but charges this even although the hut is on private land and thus, indirectly, follows the 'head.'

"8. The matter was definitely brought to a head in 1922 when the Financial Relations Fourth Extension Act was passed which has the effect of

(*a*) preventing Provincial Councils from imposing direct taxation on the persons, habitations or incomes of Natives;

(*b*) compelling Provincial Councils to make financial provision for Native education not less proportionately than that of 1921-22;

(*c*) making the Central Government responsible—by implication—for the extension of Native education and obtaining funds therefor from the direct taxation of Natives.

"9. As the Treasury declined to make *recurrent annual* provision from existing proceeds of Native taxation it then became essential that additional taxation should be imposed on Natives

"10. Passing reference need only be made to the Report of the Tax Committee which was appointed by the late Government. Its Report and the Bill drawn up by it have already been brought to your notice; nor need special reference be made to the Bill prepared by the Department of Native Affairs which formed the basis of discussion with you at the interview of the 8th instant.

"11. It is only necessary to state that at its discussion with the senior officials the Commission was in possession of all facts and proposals which had been made previously and had the valuable assistance during such discussion of three of the members of the Tax Committee, Messrs. D. O. Allardice, E. Muller and A. L. Barrett.

"As the results of its deliberations and the approval of the Treasury of its proposals to meet the needs of the Central Government the Commission has adopted the following three principles as the basis of its scheme of taxation:—

(i) That the money required by the *Central Government* from Natives for *the general administration* of the Union should be obtained from a *general personal* tax levied on males;
(ii) That the money required for the *extension of education* of Natives and for the *general development* of Natives should be obtained from a *general personal* tax levied on males;
(iii) That the money required for *local government* and *local development* in Native areas should be obtained from the people enjoying such advantages by the imposition of a land tax or a personal tax —the tax following that form to which the people had been accustomed.

* * * * * * *

"14. Having adopted these principles the Commission endeavoured to fix the amount of taxation as low as possible to attain the ends in view, and it reluctantly came to the conclusion that the lowest amounts at which the taxes could be fixed were:—

(i) a Personal Tax of £1;
(ii) a Local Tax of 10s.;

the amount derived from these taxes to be allocated as follows:—

(*a*) Four-fifths (4/5ths) of the personal tax to be paid to the Union revenue;

(*b*) One-fifth (1/5th) of the personal tax to be paid to a special fund and used entirely for general development and education;

(*c*) the whole of the local tax (as well as all quitrent from Native lots in Locations) to be devoted to local government and local development in the areas from which it is derived.

* * * * * * *

"16. The Commission has adopted conservative figures—which are accepted by the Inland Revenue Department in so far as the proposed Union Revenue is concerned—and has worked on the following basis:—

(i) Census and revenue figures of 1921.

(ii) A margin of 15 per cent. to represent evasions, exemption of tax, etc.

(iii) That the estimated number of taxable units in 1924 is 1,126,000.

"17. On these bases the amount and the method of distribution of the taxes are shown in the following table:—

	Estimated No. of taxable units.	Amount of Central Tax at £1 per unit.		Amount Local Tax (including native quitrent) at 10s. per unit for Local Government.	Total.
		For Union Revenue (four-fifths).	For Development and Education (one-fifth).		
		£	£	£	£
Cape ..	180,000	144,000	36,000	29,000	209,000
Transkei ..	253,000	202,400	50,600	126,000	379,000
Natal ..	292,000	233,600	58,400	84,000	376,000
Transvaal	311,000	248,800	62,200	50,000	361,000
O.F.S. ..	90,000	72,000	18,000	1,500	91,500
Union ..	1,126,000	£900,800	£225,200	£290,500	£1,416,500

"18. In other words, the proposed direct taxation on Natives in the Union will be £1,416,500, of which:—

(1) Union Revenue receives £900,800

(2) General Development and Education get £225,200

(3) Local Government and Local purposes obtain £290,500

[U.G. 40—'25.]

" 19. As the Treasury is satisfied with the amount to be obtained for the Union Revenue it is unnecessary to make any further remarks on that point.

" 20. It is the opinion of the Commission that the funds for general development and education should be entirely disbursed in the discretion of the Minister and be regarded as available for national—not provincial—allocation. At the same time it is to be remembered that the term ' education ' is used in its widest sense and does not connote a purely scholastic training, while development is taken to include any schemes, proposals or matters affecting the general *welfare* of Natives.

" 21. The amount of £290,500 for local government and local development will be used to replace such local revenue as has hitherto been obtained direct from Native communities in the form of rates levied by the various Native Councils or boards, dipping fees, road rates paid to European Divisional Councils, etc.

" 22. So that in future a Native instead of having to meet several and varying taxes will only be called upon to pay:—

(*a*) the Government—or Central Tax—of which one-fifth is to be spent on Natives;
(*b*) the Local Tax (which includes quitrent) the whole of which is to be spent on the community of which he is a member.

" 23. As a special exception to what has been said in paragraph 22 I must refer to the question of tribal levies which are treated in section 15 of the Bill. The Commission was much impressed during its meetings with Transvaal Natives with the need for some such provision in the law—and the Natives themselves desire it. Even if not absolutely germane to the Bill the Commission strongly recommends its inclusion."

* * * * * * *

27. A draft Bill embodying the proposals was attached to the Report.

28. The Bill was recast by the Government without altering its essential principles and was laid before a Native Conference summoned under Act No. 23 of 1920. A reference to that Conference appears in paragraphs 30 *et sequentes*.

29. Finally a Native Taxation and Development Bill was published by the Government in Gazette Extraordinary of the 29th January, 1925.

NATIVE CONFERENCE.

30. The Native Affairs Act, 1920, made special provision for the summoning of Conferences of Chiefs, members of

Native Councils and prominent Natives of delegates invited from any Native 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.

31. Following the two previous precedents the Government advised the Governor-General to call a Native Conference on the new Tax Bill to which reference has been made in paragraphs 27-29.

32. This Conference was held at Pretoria on the 27th-29th October, 1924, and consisted of 26 invited delegates, 11 from the Cape, 6 from Natal, 6 from the Transvaal and 3 from the Orange Free State.

33. It was opened by the Minister of Justice in the unavoidable absence of the Minister of Native Affairs and was addressed by the Minister of Labour during its session. A report of the proceedings and the addresses given by the Hon. T. J. de V. Roos and the Hon. F. H. P. Creswell are in Annexure B.

34. The Tax Bill was fully discussed and the views expressed induced the Government to make certain alterations in the Bill. The detailed discussion by the delegates will be found in Annexure B, but the definite recommendations of the delegates may be summarized as follows:—

(*a*) That the personal tax should be 15s. and not 20s.
(*b*) That the local tax should be 10s., provided, however, that it should not be imposed upon any location until a local council had been constituted for that location.
(*c*) That there should be no provision in the Bill to empower officials or police to demand the production of a tax receipt or to make non-production a criminal offence.
(*d*) That a more equitable procedure should be devised for the recovery of arrear tax than by criminal process.
(*e*) That the maximum penalities should be reduced.

35. The matter of the election of delegates has been brought up at each of the Conferences, especially at the Pretoria Conference of 1923, see Native Affairs Commission Report pages 20-22.

36. The Commission had under consideration this matter, to which delegates attached great importance, and the memorandum found in Annexure C was drawn up.

37. The memorandum favours a partly elected and partly nominated conference.

38. To provide for a more adequate means of electing delegates to such Conferences the Native Affairs Commission urges upon the Government the institution of Native Councils with as little delay as possible.

39. The necessity for Councils will become greater when the Native Taxation Bill becomes law in order that Natives may have a voice in the distribution of local moneys under the Native Taxation measure.

LOCAL COUNCIL: MPHAHLELE'S LOCATION.

40. The Commission gave evidence before the Select Committee on Native Affairs in regard to the desirability of including certain tribal farms within the area of jurisdiction of a local council when established for Mphahlele's Location and such inclusion has been agreed to by Parliament (*vide* paragraph 126 of previous report).

TRANSVAAL TRIBAL DISPUTE.

41. The Commission was requested by the Government to visit the Marico District to enquire into the position which had arisen as a result of a tribal dispute concerning the chieftainship of the Bahurutse tribe to whom the Manoane Location (portion of the Moiloa Reserve) had been assigned for their occupation in the days of the South African Republic.

42. Two claimants Jairus and Mpolokang came forward in 1920 when the chieftainship fell vacant and a very careful enquiry was held by the local officials into the two conflicting claims. As a result Jairus was considered by the Government to be the rightful claimant and he was accordingly appointed Chief under Law 4 of 1885.

43. Friction ensued between the Chief's followers and Mpolokang's supporters who declined to acknowledge the authority of Jairus, and the Government warned the malcontents that if they resided in the Manoane Location they must recognize Jairus as Chief.

44. Thereupon Mpolokang and his followers purchased a small farm to which some of them removed.

45. The Government had no objection to this purchase as a purchase by individuals but declined to approve of it as a tribal purchase and thereby to recognize Mpolokang as a Chief.

46. The following are extracts from the Commission's Report on the matter:—

* * * * * * *

> "11. After a careful consideration of the official records and hearing the parties at Zeerust the Commission has come to the conclusion that a mistake has been made by the Government. At the death of Gopani in 1904 either Jairus was the proper person to be appointed Chief (with a regent if too young) or he was not. In any case he was not appointed Chief in 1904 but Tom Mokgatle was appointed. On Mokgatle's death in 1907 Kgaye was

appointed Chief, with Rampeile as regent, and on his attaining his majority took up the position which he held until his death in 1920. Then a claim is put forward to the chieftainship by Jairus as against Mpolokang, the brother of the deceased Kgaye. An official enquiry is held and the decision given in favour of Jairus who was appointed Chief by the Government.

" 12. Thus either the appointment of Mokgatle in 1904 was wrong or the appointment of Jairus in 1920 was wrong. It does not lie within the terms of the Commission's reference to decide *when* the error was committed but simply to note it.

" 13. In earlier times had such a tribal dispute arisen no doubt it would have been settled either by force of arms or by the weaker " hiving off " to pastures new and vacant. The former method is now barred while the latter is so circumscribed not only by existing conditions but also by the law of the land that to be successful it must have the approval, if not the encouragement, of the Government.

" 14. The Commission is convinced that the breach between the two sections is too wide to hope that they can be brought together within a reasonable period of time and that the only way in which this might be effected would be by the Government placing every legal obstacle in the way of Mpolokang and his followers living together as a community until the inevitable economic pressure forced them, or the majority, to return to the allegiance of Jairus.

" 15. The whole evidence on both sides showed that Mpolokang's people had suffered materially; the farm Witkleigat was absolutely insufficient for their needs; they had been unable to plough for three years; they even had to buy water for domestic use; their loss in stock through lack of grazing and land had been very heavy.

" 16. While Jairus and his side expressed the greatest goodwill towards Mpolokang's followers they were not prepared to translate that goodwill into action such as sharing the location, allowing free grazing, etc., unless Jairus was acknowledged as Chief.

" 17. European laws, conventions and general outlook have cut right into Native customs, Native allegiances and Native traditions so that in a case like this it is difficult to find a solution which might take cognizance of these conflicting features. But the salient point in this matter is that under a European Law (4 of 1885) a wrong decision has been sanctioned at *some* period. Accepting this and reviewing all existing circumstances the Commission unanimously recommend that Mpolokang should be recognized as a Chief by the Government under Law 4 of 1885 and that his followers be regarded as a tribal entity.

" 18. As regards the other claims put forward on Mpolokang's behalf the Commission makes the following recommendations: —

(i) That no portion of the Manoane Location be assigned to Mpolokang and his followers. They are not entitled to it under Native law and they were clearly warned by the Magistrate and by the Under-Secretary for Native Affairs that if they repudiated the chieftainship of Jairus and left the Reserve they would forfeit their tribal rights.

(ii) That for reasons similar to those in (i) no portion of the farm " Brakpan " should be assigned to Mpolokang.

(iii) That while desirous of meeting Native sentiment and the present position by recommending the recognition of Mpolokang and his followers as a tribal entity the Commission does not consider that it is obligatory on the Government to encourage this kind of tribal " hiving off " by providing extra land and therefore the farm " Bosmanskraal " should not be assigned to Mpolokang.

(iv) That the Government should favourably consider the application of Mpolokang and his followers to purchase any one or more of the farms within the recommended Native Area, and in the special circumstances of this case also farm " Ruitjesvlakte " or any one or more of the farms adjoining the recommended Native Area, in cases where the owners are willing and anxious to sell to Natives.

(v) That as Chief Jairus expressed his willingness to allow Mpolokang's followers to remove, in respect of the huts previously occupied by them—

(*a*) the material of such huts as had already been demolished, and

(*b*) the material of those huts which had not been broken down and which had *not* been given by Jairus to his own followers subsequent to the removal of the owners from the Location;

the Commission considers that Chief Jairus should be requested to permit such removal within a period of three months, *i.e.*, before the 31st December, 1924."

LABOUR ADVISORY COUNCIL.

47. The Minister of Labour was good enough to invite a representative of the Commission to attend meetings of the Labour Advisory Council. All such meetings were attended and Native interests were represented in regard to any proposals discussed from time to time.

NATIVE NATIONAL CONGRESS.

48. In October the Commission, at the request of the Minister of Native Affairs and on his behalf, received a deputation from the Native National Congress which desired to interview the Government on the following matters which had been considered by the Congress at Bloemfontein in May, 1924—

(*a*) The desire of the Congress that steps should be taken to permit the Natives partly through their chiefs and partly through their existing political, industrial and agricultural associations to elect representatives to Conferences convened under the Native Affairs Act, 1920.

(*b*) The opinion of the Congress that the Government should take into serious consideration the question of introducing legislation to provide for a free, compulsory and public system of Native education for the Union; further, that Native education should be under the direct control of the Union; and lastly, that an Advisory Council on Native Education be created to devise a system of education which would be better adapted to the peculiar and practical needs of the Natives.

(*c*) The shooting of Natives, cases of which had occurred in various parts of the country.

(*d*) The view that capital punishment should be inflicted upon men—white or black—convicted of criminal assaults upon women.

(*e*) The proposal that legislation be passed to enable chiefs and headmen to try cases of seduction in accordance with Native law and custom.

49. Other matters of local interest were also brought up at the interview and a full report of the proceedings was sent to the Minister.

LAND.

50. The Commission was asked by the Government to endeavour to ascertain the feeling of the Europeans in the Transvaal and Natal in regard to the setting apart as "Native Areas" under future legislation the areas recommended by the various Local Land Committees in 1917.

51. The work was begun during the year under review and concluded in February, 1925, but it may be stated here that, except in the Westerin Transvaal (*i.e.*, Marico and Rustenburg) the feeling as shown at large public meetings which had been previously advertised, was against the suggestions.

52. In the Transvaal the general desire was for a new "Commission" upon which the local farming community should be represented to make a new delimitation, on the ground that conditions had altered considerably since 1914 and 1917; land, it was pointed out, which was undeveloped and considered suitable for only one class of farming has now been developed and proved to be most valuable for cotton, etc.; further, valuable mineral indications have been discovered; so that what might have been reasonable in 1917 was impracticable to-day.

53. In Natal the general view was that no more land should be set aside for exclusive occupation by Natives. The main arguments used were the following:—

(1) Natal had already set aside for exclusive Native occupation far more land relatively to her size than any other Province in the Union.

(2) Natal was willing to bear her share of the cost of a national policy, but the exclusion of the Cape from the operation of the Natives Land Act and the singular position of the Orange Free State showed that some Provinces were receiving what might be regarded as preferential treatment in this matter.

(3) The people protested emphatically against the surplus Native population of other Provinces being located in Natal as the remarks of the former Secretary for Native Affairs and of the Orange Free State Land Committee Report seemed to imply. (It was pointed out by the Commission that General Botha while Prime Minister of the Union had repudiated any such intention.)

(4) There was sufficient land for the Natives now and for their immediate future in the existing locations and mission reserves.

(5) The land in the Native locations was being badly used. The Natives must use this land better before the question of additional land for them could be considered.

(6) The position in Natal had changed very considerably since 1913, and even since 1918. Land which was thought to be useless then was now producing large quantities of cotton and sugar cane.

(7) The action of the Government in allowing Natives to purchase farms in proximity to European farms in the recommended areas had made the position of the European intolerable. Government should expropriate these farms at a fair valuation.

54. Reports of these tours were duly submitted to the Minister.

IRRIGATION.

55. The Commission attended an interesting ceremony at Lady Frere on the occasion of the opening of a large irrigation dam constructed at a cost of £200 to the Glen Grey Council by Native co-operation. The dam which is 300 feet long has a base of 96 feet and a height of 22 feet, with a capacity of 20,000,000 gallons, sufficient to irrigate 400 acres. Had this been put out to contract it would have cost £1,300.

56. The Council and their energetic Chairman (the present magistrate) deserve great credit for this striking example of co-operation and self-help.

(NOTE.—Since the preceding paragraphs were written the dam has been seriously damaged by floods.)

LEGISLATION.

57. Two Acts directly affecting Natives were passed during the year, namely, the Moroka Ward Land Relief Act (No. 28) and the Native Chiefs Jurisdiction (Transvaal and British Bechuanaland) Act (No. 7).

58. The first was a long needed measure, and the latter will remove certain undesirable features which previously existed in regard to the exercise of Chiefs' jurisdiction in adjudicating under Native law and custom.

ANNEXURE B.

MINUTES OF A CONFERENCE SUMMONED UNDER ACT No. 23 OF 1920, AND HELD AT THE "HARTLEY HALL," PRETORIA, ON THE 27TH, 28TH AND 29TH OCTOBER, 1924.

FIRST DAY.

27th October, 1924.

PRESENT.

The Hon. T. J. de V. Roos, Minister of Justice, Chairman.

Major J. F. Herbst, C.B.E., Secretary for Native Affairs.

Senator the Hon. A. W. Roberts, General L. A. S. Lemmer, and Dr. C. T. Loram, Members of the Native Affairs Commission.

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

[U.G. 40—'25.]

Cape Delegates.

1. Prof. D. D. T. Jabavu, Victoria East.
2. Chief J. Langa, East Pondoland.
3. Chief Scanlen Lehana, East Griqualand.
4. Mr. T. Makiwane, West Pondoland.
5. Mr. S. S. Matoti, Tembuland.
6. Rev. P. Matshikwe, Cape Town.
7. Dr. S. Molema, British Bechuanaland.
8. Mr. H. Ntsokota, East London.
9. Mr. J. G. Sikiti, Herschel.
10. Mr. Singqandu, Queenstown
11. Chief C. Veldman, Fingoland.

Natal Delegates.

1. Rev. John Dube, Phoenix.
2. Chief W. S. Kumalo, Driefontein.
3. Chief Matoti, Mahlabatini.
4. Mr. W. M. Msimang, Pietermaritzburg.
5. Mr. W. W. Ndhlovu, Vryheid.
6. Chief Nsinyana, Empangeni.

Transvaal Delegates.

1. Mr. S. M. Makgatho, Pretoria.
2. Chief Filius Mogale, Rustenburg.
3. Chief Mphahlele, Pietersburg.
4. Chief Sikukuni, Lydenburg
5. Chief Senthumulo, Zoutpansberg.
6. Mr. R. V. S. Thema, Johannesburg.

Orange Free State Delegates.

1. Mr. Z. W. Fenyang, Thaba Nchu.
2. Mr. R. Setlogelo, Thaba Nchu.
3. Rev. Z. R. Mahabane, Vrede.

Mr. I. Bud Mbelle of the Department of Native Affairs interpreted in the Xosa-Zulu languages, and Mr. A. S. Mbelle of the Native Affairs Commission interpreted in the Sesuto-Sechuana languages.

Major Herbst introduced the Minister of Justice to the delegates.

CHAIRMAN'S ADDRESS.

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

"I have pleasure in welcoming the delegates to the third Conference under the Native Administration Act of 1920.

"The Prime Minister's intention was always to open this Conference in person, but unfortunately his duties have called him away, and on his behalf and at his request I am welcoming you here.

"The principal matter before you for discussion is the proposed Bill to secure uniformity of taxation.

"As you will discuss that Bill very fully, I will content myself by saying that the Bill provides for a general tax payable by every male Native in the Union of 18 years and upwards of £1 per annum, and in addition a local tax payable by such Natives resident in Native locations of 10s. per annum.

"The way in which the proceeds from this taxation will be utilised is set forth in the Bill, and discussion will show the extent to which it is applied to the benefit of the Natives of the Union.

"I may refer in passing to the segregation policy generally associated with the name of the Prime Minister.

"That policy is largely in the interests of the Native population, and the Prime Minister's intention is by its use to secure the development of that population along lines natural to itself.

"It would be inadvisable for me to make any further statement on this subject, as the Prime Minister proposes at the next Session of Parliament to lay his views before that body.

"It may perhaps not be out of place for me to make some remarks on the recent campaign pursued in the Press and elsewhere regarding maltreatment of Natives.

"The point of the attack was the diversity of treatment meted out to Europeans for offences against Natives and to Natives for offences against Europeans.

"As far as the higher Courts of Justice are concerned, a Native accused may of course call for trial by a judge alone. He is therefore always able to escape trial by jury if he distrusts a body of that nature.

"The European has the same option, and the complaint is that a jury in the case of crimes against Natives is prone to acquit or convict of a smaller offence than that actually perpetrated. In so far as this is a complaint which is rightly founded, it seems to me that it is only by the proper moulding of the character of the community that a reform can be obtained.

"It must be borne in mind that the punishment inflicted is not confined to the verdict or the sentence. To that must be added the arrest, the long drawn out legal process, and the expense involved.

"In addition, the aggrieved party has his remedy in a civil action for damages, and it would be well if this were made generally known, because under Native law and custom many offences which are under European law punishable as crimes only give rise to compensation for the damage sustained. In South Africa criminal steps are taken generally speaking for the wrong against the majesty of the State, against the infraction of law and order in the State and to prevent at the instance of the State any interference with the safety and security of its inhabitants.

"The aggrieved party himself has his civil action for damages, which is not cut down or removed by the criminal steps which the State has taken to vindicate its own dignity.

"I personally believe that there is more cause of complaint in the lack of courtesy obtaining in Magistrates' Courts and the way in which Natives are treated there considered quite apart from the merits of the complaints brought against them and the justice of the judgments and sentences imposed upon them.

"I am enquiring closely into this matter with a view to amelioratnig present conditions.

"In your position as leaders of the Native people it must be apparent that in many respects their conduct is worse than it was in the past, and it is a matter of regret that Native women, many of whom are still children, roam uncontrolled about the towns at any hour of the night whereby immorality and criminality amongst the Natives are greatly increased.

"Many of the wiser Chiefs in the country view this evil very anxiously indeed, and desire that by proper control it should be lessened and finally stamped out.

"In conclusion I need scarcely say that the value of your deliberations remain as great as in the past, and that the conclusions at which you arrive will receive the earnest and serious consideration of the Government, which desires to give its assistance to the important portion of your population which you represent and thereby enable that population to develop itself in the interests of the whole community of which it forms a part.

"I declare this your third Conference formally opened."

Mr. Dube, in moving a vote of thanks to the Minister, stated that he appreciated Mr. Roos' address, and was

voicing the feelings of the delegates in expressing that appreciation.

As regards the question of taxation this was a very difficult proposition, but they appreciated the fact that the Government was giving them an opportunity and plenty of time to discuss it.

In regard to segregation, the principle would be acceptable if the Government were benevolent, but the Natives did not see how they could be segregated and yet be given sufficient land for development. They were greatly disappointed to see Crown land being cut up for poor white settlement when the whites had already so much land at their disposal. He spoke for the Zulus who saw large tracts of Crown land hitherto regarded as their own now being cut up for Europeans. Large tribes were being moved away from those territories. Where, he asked, were the lands to be given to them as indicated by the Natives Land Act? A large proportion of the Natives squatted on European land. Yet the Natives were continually told that they were to have their lands where they could develop.

Anyone knowing the land question was aware that only in Pondoland and Transkei did Natives have sufficient land to develop.

Natives were being driven from towns, discharged from jobs in which thousands had sacrificed their lives in the interests of the white people. He prayed the Government to be generous and to bear in mind the interests of the Natives as well as those of the whites.

In regard to the treatment of Natives in Courts, the white people seemed to have it in their minds that the lives of Natives were of no account. Natives had been recently murdered by Europeans and the punishment inflicted had been very small. They were glad to have the Minister present to express their feelings in connection with this serious grievance.

The case of a girl who was tied to a cart and beaten made their blood boil. They were here as Natives of this country, and God had placed the whites here to administer justice and see fair play.

Natives were not hard-hearted, and responded to justice, but when outrages of this kind were so lightly punished it did not help the Natives to become more loyal to the powers that be.

The white people wished to segregate the Natives but they would have a difficult job to do so. God had ordained that they should live together, to work together and that the Natives should benefit by the thousand years of European civilization.

If the Europeans threw the Natives far away and told them to develop on their own lines the former would be evading and shirking their responsibilities.

In the ill-treatment of Natives—blame attached to both white and black. Native policemen " bashed " prisoners and this encouraged young men in Court to ill-treat blacks. It was horrible to see the punishment of Natives without trial in Johannesburg Courts on Monday mornings.

A Native is asked " U ne cala na? " (are you guilty) and he replies " Yes " meaning " Yes, I have a case against me " but not intending to plead guilty to the charge, and he is immediately sentenced.

The faulty interpretation was a real grievance.

The majority of Natives did not know of the privilege of being tried by a Judge alone.

The European rulers were largely responsible for the looseness of Native women. Nowadays the Chiefs were figureheads with no authority and the parents had still less authority over their children. For small offences which could be tried by the Chief or his council, Natives were dragged to Court.

The only way to enable parents to control their children was by adjusting the relations between the people and their Chiefs.

Mr. Jabavu, in seconding, stated that Mr. Dube had spoken what they really felt. They felt highly honoured to see a Minister among them in the flesh and they appreciated the personal contact as it did more than correspondence or press reports. He was glad to hear the Minister's intentions. The only hope of happiness was for both sides to approach a question with sympathy.

The Natives realized their helplessness and for that reason Europeans should therefore be more sympathetic and remember the motto " *noblesse oblige* ".

He asked the Minister not to take too much notice of violent language from Natives which appeared in the press. That was merely a psychological development of the Native from childhood to boyhood. It was precocious but harmless.

Mr. Thema endorsed the remarks of the previous speakers.

The Natives felt very keenly the attempt to replace their labour by European labour for they had played a great part in the development of the country and its industries.

At one time the idleness of the Natives was considered a curse by the Europeans and pressure was brought to bear on the former. The poll tax was imposed to drive the Native from the kraal to the mine compounds. Europeans had also encroached on land occupied by Natives and now the latter were without land and compelled to work.

The Natives had helped to build up civilization and industries when the whites were only a handful but now they were regarded as dangerous.

They felt ill-treatment keenly and thought that if such were suffered by Europeans they would certainly take up arms.

Lawlessness on the part of the Europeans would lead to lawlessness on the part of the Natives. He pleaded for justice

and a spirit of co-operation and referred to Dr. Malan's encouraging address at Fort Hart in which it was said that the country was the common heritage of both white and black.

Mr. Makgatho said he would like an explanation from Mr. Roos with regard to an alleged statement that a Native should not be treated as lightly as a European and also that Father Rand's remarks were nonsense. The Standerton case was a travesty of justice. They heard a lot about justice but he did not know of a single European who had been hanged for the murder of a Native.

The Minister of Justice thanked the delegates for the vote of thanks.

He stated that Mr. Makgatho had misread in the press what he (Mr. Roos) had stated. What he had stated was that the Standerton case was exceptional and that it was nonsense for Father Rand to say that in the Northern Transvaal Natives scurry away from white people. Father Rand had, he believed, contradicted this.

Further, in reply to Mr. Makgatho he pointed out that in 1922 Europeans had been hanged for the murder of Natives.

He (Mr. Roos) had said that the Judge in fixing punishment had to consider its burden, the expense involved in the trial, and the effect of its infliction. A certain differentiation in punishment was necessary if the Judge or the Magistrate was doing his duty properly.

He could not tell Judges or Magistrates what punishment to impose—that was their duty. But, after the imposition of a sentence, any accused who thought it too severe had the right to put the matter before the Minister directly by letter or petition. If he (Mr. Roos) thought the punishment too hard he recommended the Governor General to reduce it. Since he had been in office he had made recommendations in a large number of cases—both European and Native.

The question of interpretation in the Courts was already under his consideration and he would try to remedy matters.

The Minister added that Mr. Dube had tried to inveigle him into a discussion on the Prime Minister's policy of segregation. In doing so he had made two assumptions, firstly, that the Natives were to be pushed aside from the whites in certain areas, and, secondly, that those areas would be too small. The delegates would find, however, that when the Prime Minister made his statement to Parliament next session, General Hertzog would avoid the difficulties mentioned by Mr. Dube. The Natives would receive assistance in their areas from enlightened white men and he hoped that this would only be initial assistance and that Natives would eventually work out their own salvation under segregation.

In conclusion, he wished the Conference success in their deliberations, and thanked them for their vote of thanks.

Mr. Mahabane pointed out that the Orange Free State, which at previous conferences had had four delegates, had only two at this Conference. He thought that as it was the

Province of the Prime Minister it deserved the honour of another delegate.

The Minister of Justice said that on the grounds put forward he would approve of the attendance of another delegate.

Mr. Robert Setlogelo was thereupon nominated as another delegate.

The Minister of Justice withdrew, and the chair was taken by Major Herbst.

Major Herbst stated:—

(i) That the Conference would sit daily from 9.30 a.m. to 12.45 p.m. and from 2.15 p.m. until 5.30 p.m.
(ii) Conveyances would be provided to take delegates to and from their residences at the luncheon hour.
(iii) That delegates desiring to bring forward motions could hand them in at any time.

Proceeding, he said he was very glad to see the delegates who had come in response to the Government's invitation. The question of Native taxation had been discussed at the last Conference broadly with a view to uniformity and the principle of uniformity had been accepted by that Conference.

Fortunately taxation was not often discussed as in dealing with it the Government tried to speak and decide for the present and for the future. Taxation was a very disturbing feature not only to Europeans, but to Natives, and the Conference must try and devise something which would last for a long time, so that people could settle down to work.

Many minds had been at work since the last Conference—much discussion had taken place, compromise here and concession there and the draft Tax Bill was the result.

Not every body was enamoured with the Bill. People had expressed ideas which received every consideration, but which were found to be impracticable.

The measure did not deal with the Cape, Natal, the Transvaal or the Orange Free State as individuals, but took in the Union as a whole. It dealt with all the Native people within the Union, and the framers had tried to devise a measure applicable to all.

Natives recognised that the Government must be fed to keep it alive, and this Bill would ensure that it would be fed equally from every part of the Union.

It was hoped that the people taxed would benefit from that taxation because portion of the money derived would be used for the direct advantage of the Natives.

Proceeding, Major Herbst said that the Bill proposed to ask every Native over the age of 18 years to contribute, no matter where he lived, towards the Central Government. The Government would be satisfied to get what it was now receiving from existing direct taxation of the Natives of the Union, and this was the bedrock of the whole taxation principle. The amount was roughly £900,000 annually.

To get this a " general tax " of £1 per annum was to be imposed on every Native adult male in the Union. That would represent his obligation to the Union for government security and order, as well as for the welfare of the Native people so far as the Central Government was concerned.

An annual " local tax " of 10s. would, in addition, be imposed on every Native adult male whose permanent home was in a Native Location or Reserve in the Union.

Of the £1 general tax four-fifths would go to the Government and one-fifth to the Minister of Native Affairs. This one-fifth was to be available for the expansion of education and general development of the Natives.

No share of the local tax of 10s. would be taken by the Government. Each of the Native Councils—where there was one—would be able to spend the money within the limits of its constitution. Where there was no Council, the money would be spent by the Minister of Native Affairs on the recommendation of the Native Affairs Commission.

The people of the Transvaal and Natal would no doubt follow the excellent example of the Cape and ask for Councils so that instead of the Minister controlling the money they would be able to spend it themselves.

The amount estimated as likely to be available for the Education and Development Fund was £225,000. This amount and the sum which would accrue for payment to local councils would together be in the neighbourhood of £500,000.

Thus only £900,000 would go into the Government coffers and there would be £500,000 which Parliament would not be able to " play with " but would be at the disposal of the Native people.

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

Major Herbst intimated that he would now invite discussion on the Bill section by section. Section *one* only fixed the year 1926 as the first tax year and he presumed no one wanted to suggest 1925.

Mr. Mahabane enquired whether they should not discuss the principles first?

Major Herbst pointed out that the fundamental principle really lay in section *two*.

Mr. Veldman expressed regret that he had not been furnished with a copy of the Bill while at home. He belonged to the Bunga system and would like the Bill referred to the Transkeian Territories General Council. He felt great difficulty in accepting the principles of the Bill in the absence of the other members of the Bunga.

Mr. Jabavu said that at the last Conference they had been told that there was a tax Committee hammering out something which would be placed before them in order to consult the people at home. The Bill mentioned in the last Report of the Native Affairs Commission was put before the people and resolutions adopted and sent to the Government.