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

South Africa. Native Affairs Commission

1927
Cape Times Limited
http://hdl.handle.net/10539/18415

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of the Europeans will afford relief for the Northern Natives. If the Conference was unable to do this there was little doubt that the position would become worse.

The Government instructions to the Department and the Native Affairs Commission were to bring up a measure based on the Bill now before the Conference (A.B. 24/23) which would apply to those areas where pass laws are in force.

He had been the Chairman of the Pass Committee which had travelled throughout the Union and had taken much evidence from Natives. The Committee submitted a report upon which the Bill was based.

The Bill was designed to secure the protection of a Native by a life-long document which will enable him to travel freely in rural areas and secure perfect identification when he entered industrial areas.

The necessity of identification would be appreciated by the Conference when he stated that there were hundreds of unclaimed estates, through faulty identification records. For the same reason the Department was unable to deliver messages from Natives at home to their relatives in industrial areas.

Conference must bear in mind that the Bill was an earnest and honest attempt to secure the minimum of control and the maximum measure of protection to the Natives.

It only remained to discuss the Bill clause by clause and he would only be too glad to furnish any explanation which might be desired.

The Bill would have to be recast on account of clauses 9 and 14 having been incorporated in the Natives Urban Areas Act.

Clause 1 *considered.*

Mr. S. Msimang considered that the age of registration should be 21. If a boy of 18 were registered it would weaken parental control.

Mr. Lehana agreed with Mr. Msimang and thought the Registering Officer should make special investigation before issuing certificates.

Mr. Makgatho enquired how would a Registering Officer know the age. He had seen cases at the Pass Office where boys of sixteen were put down as 21 and *vice versa*.

Col. Godley said there was seldom difficulty in fixing approximate age by reference to some historical event or the year of circumcision.

Mr. Mahabane supported Mr. Msimang's view. At 18 Native boys required strict parental control.

Mr. Mapikela inquired whether it was in order to discuss this clause before they agreed to the principle.

The Chairman replied in the affirmative. The position was that there were too many passes in the Transvaal. Different systems in Natal and Orange Free States. Object of Bill is to get uniformity. A man would get an identification certificate at 18 for whole life.

Take the case of a young man of 19, who wants work—he could not go without certificate—if not, would require temporary document. He quite saw the point of parental control until 21. It was for the delegates to suggest how this could be attained.

Mr. Ndhlovu thought the boys should be given temporary documents until they reached 21. To prevent boys from going out to work, would be great hardship on some families.

Mr. Fenyang suggested that registration should only take place with consent of parents.

Mr. Zibi understood that that Bill was for protection of Natives who left their homes, but, it made every one register.

Col. Godley pointed out that a man might wish to leave home and then he need not go to a Pass Officer or Official for permission.

Mr. S. Msimang said he was not opposed to the registration of boys, except that registration would take them out of parents' control.

He suggested that parents should keep registration certificate until boy went to work, any boy working without one, to be treated as a deserter from home.

Mr. Bikitsha said that any boy getting a certificate, could hand it to his parents, or they could demand it.

The Chairman said if you handed the certificate to a boy, and he left the district for work, the parent might lose control. If Conference wanted parents to have control, a boy might be given a temporary certificate up to 21.

Mr. Fenyang objected to registering a boy twice. The age should be 21.

Mr. Jabavu said he understood the Bill would only operate where pass laws were in force—this would leave the Cape untouched. But he would like to have his impression confirmed in black and white. He had strong resolutions from the Cape against any system of pass law. There were certain mild pass laws existing in a portion of the Cape, and these the people did not mind.

They were afraid the Government was taking away privileges.

Uniformity was a good word, but they were not prepared to give up anything.

After Union they had thought that the Cape spirit would permeate north—not *vice versa*.

The Cape Natives welcomed the relief from the pass laws to the Northern Natives, but would give up no privileges.

Mrs. Maxeke pointed out that three-fourths of the earnings of the Cape Natives were got from their employment in the Transvaal. Not six Transvaal Natives go to the Cape. The Cape Natives should remember this.

Mr. Langa said the Natives were very satisfied with the existing conditions. It was quite easy for them to come out to work. Government should leave things as they were.

Dr. Molema pointed out that the use of the word "pass" had been avoided. But registration and exemption were the

same thing. His views were very much like Mr. Jabavu's, namely that the pass laws of the Transvaal and Orange Free State were being introduced into the Cape.

Freedom in the Cape would be sacrificed for uniformity. Cape Natives felt strongly on this point. They welcomed the simplification of the pass laws in the Northern Provinces until Government could apply the Cape spirit to the North.

He accordingly *moved*:—

> "That the Bill should only apply to the three Northern Provinces and the Cape Province should continue to enjoy the freedom from the pass law hitherto enjoyed."

Mr. Jabavu seconded.

Mr. Makgatho understood one of the reasons put forward was that money was lost by Natives. If this applies to Transvaal then he said they did not want the pass. The time would come when the pass system must be removed. It caused bad feeling between Natives and Europeans. The actual carrying of a pass was not objected to but the irritating interference of the police.

The Chairman pointed out that some system of identification was necessary when people went from District to District or from Province to Province. This was in the interest of the Native. If this were accepted then what was the position as regards the Cape. If the Cape was excluded no Native could come to the Transvaal unless he got a certificate, *not* from the Cape but from the Transvaal.

The proposal in the Bill was to divide the Cape into three parts, (1) the Transkeian Territories, (2) British Bechuanaland and (3) the remainder of the Cape. A man wishing to go from one part to another would require a certificate.

If Cape Province were taken as a whole, would it be advisable to give a man a certificate who wants to leave the Province.

Mr. Zibi enquired whether a man must be registered who did not leave his home.

Col. Godley replied that nearly every one left his home at some time or other—possession of a certificate would enable him to avoid going to an official sometimes 50 miles away for a pass.

The Conference adjourned at 12.45 p.m. and resumed at 2 p.m.

Col. Godley in the chair.

The Chairman stated that he would allow discussion on the general principles of the Bill—each delegate might speak once.

Mr. S. Msimang gathered that the Bill was to grant relief and contained one important principle, namely, that all Natives should be registered *once*, but if the Cape were

excluded some Natives would be treated as aliens. At present pass laws in the Transvaal do affect the Cape to a large extent because a Cape Voter loses all his rights as soon as he crosses the Orange River, his position being lower than that of the exempted Native. People who were used to freedom were right to feel sore at being subjected to such a law in another Province. The Native working class from the Cape would be found in all parts of the Transvaal—the mines depended on it. Such people got a pass from their Magistrate to take them to the Transvaal, and as soon as they arrived they were treated exactly as Transvaal Natives.

If the Bill were not to apply to the Cape then Natives coming to the Transvaal from that Province would be in a very much worse position.

He could not see why the Cape Natives were making such a noise. To secure privileges let them agree to the registration.

Many Cape Natives domiciled in the Transvaal complained about the pass laws.

Chief Bokleni said he agreed with the principle of registration. Lots of Natives lost touch with their people. He understood that a man would use the registration certificate when he wanted to travel. Such document would act as a protection. Even the Transkeian Territories Natives were worried with passes when they wanted to go to the Transvaal. Sometimes it took a Native three days to obtain a pass. With registration there would be no need to go to the Magistrate.

Further, registration would protect their young people.

He supported the principle of registration.

Mr. Thema asked the Conference not to discuss the matter from the provincial point of view, but with an open mind.

He appreciated the Government's efforts to grant relief to the Northern people, but at the same time he must point out that those people wanted the entire abolition of the pass laws.

He appreciated the Government's difficulty on account of the European view. In effect the Government said in response to the Native agitation for the abolition of the pass laws "I will introduce a system of registration." The Transvaal Natives in reply said "That will be a better system than the present one."

Now, he asked should the registration system apply to the Cape? He thought that if the Government had power to abolish the pass law it would do so. Cape Natives should remember that the agitation for the abolition of the pass law would not cease even when this Bill passed. The application of the Bill to the Cape would be taking away rights from the Transvaal Natives and the Cape Natives.

The Conference should not take up the attitude: "If the law is to apply to us let it also apply to the Cape."

He did not think it would be difficult to meet cases of Natives coming to the Transvaal.

He drew the attention of the Conference to Mr. Welsh's views in Pass Committee Report, page 21 [U.G. 41—22.]

Mr. Mapikela said he had listened carefully to previous speakers, and especially Mr. Jabavu, but some seemed to have forgotten that the Cape Native would not be able to enter the Northern Provinces without a pass.

Delegates had come to the Conference to give and take and not to be selfish.

A pass system *did* exist in the Cape, whose Natives should remember that half a loaf is better than no bread. They should help their poor brothers in the Northern Provinces. They said: "Our forefathers used to carry passes but we are free to-day." But the Free State Natives were not.

Later on a time would come when all might say: "Let the pass system be abolished." But in the meantime let all accept the registration system proposed. If the Cape Natives went to the Orange Free State they would agree to it fast enough.

Mr. Pelem asked the Conference not to forget that the Cape was the oldest Province. As far as pass law was concerned the Natives had already been through the mill. This very registration proposed in the Bill had existed in the shape of a certificate of citizenship.

Some of the speakers wanted the Cape Natives to take a backward step instead of the Transvaal Natives climbing up to them.

As a representative of the Cape he stated that the Natives there were *not* prepared to take a retrograde step.

Mr. Ndhlovu said, after listening to previous speakers, the point seemed to be what was the Cape going to do with the masses of labourers who came to the Transvaal. He understood that they would be under disabilities. Were Cape Natives going to lessen these. He wished the Cape delegates to understand that he would like the Northern Natives to come up to the same standard as the Cape Natives; but could they at present? He did not think so.

He asked the Cape delegates whether what they had said would be for the benefit of those who come to labour centres in the Transvaal.

Mr. Matoti said he sympathised with the Northern people.

He could not see what harm would be done if the registration system were extended to the Cape.

The existing stock theft law did not prevent stealing, for a man could change his name. A person would be registered for his own area, need not travel 60 miles to get a pass.

The Conference should not forget the interests of stock owners: everyone should have an identification.

By accepting the principle of registration stock thefts would be lessened, no bogus names would be possible and a certificate of registration would not be bulky.

He agreed with the principle of registration.

Dr. Loram said that the Acting Prime Minister had indicated:—

(1) That there were only three days to get through the business if delegates wished to attend the Johannesburg meeting;

(2) that delegates would speak not for themselves but for all Natives, and, therefore Provincialism should be dropped;

(3) that the Native Affairs Commission existed to advise.

These three things impelled him to speak.

One of the grievances in the Transkei was that Magistrates did not speak in the Bunga, but only at the subsequent Magisterial Conference, but he thought that the most helpful Magistrates spoke more in the Bunga than in the Conference.

Conferences such as the present one had made a good start at Bloemfontein—one reason was that at the Conference facts had been recognised and advice tendered accordingly.

The present Conference should recognize one or two facts regarding the pass law, namely:—

(1) It was only a temporary measure and in the course of time would disappear;

(2) a pass system would have to be continued in the Orange Free State, the Transvaal and Natal;

(3) the Government had decided that the pass law need not apply to the *Cape proper*, but that a pass system would continue in the Transkeian Territories, British Bechuanaland and Northern Provinces.

He felt that the spread of education would make the pass law unnecessary.

Those who had the pass law in force should not complain just because the Cape did not have it: they should not ask the Cape to carry their burden, but rejoice that the Cape was free from it.

What was necessary was to find out how a Cape Native entering the Transvaal should get a certificate.

He could not see why a Native living in the free and glorious Cape should apply for registration before he went to the Transvaal. So the Cape Native would be free until he went to the Transvaal.

He suggested that the Conference should direct its attention to finding this out.

Mrs. Maxeke said she was sorry to see the spirit of division in the Conference.

It would not serve the Natives' cause if the Cape were to be treated differently to the Northern Provinces. The policy of the Europeans was to divide the Natives and rule.

If the Cape accepted the registration system the Natives would be enabled to fight their grievances together.

She hoped the pass law would include the Cape so that the Natives could get together quickly.

Mr. Makgatho said it was a case of a half a loaf and that was better than nothing.

On the other hand, the Natives said: "One King, one law." The question was: "Is there any help in the registration certificate; if so, why does the Cape object?"

If the Cape Natives said they were to be free then there was no necessity for the Transvaal Natives to have the law. The Cape delegates seemed to be in the Conference simply to tell it all the bad laws from which they were free.

If there is any help in the proposed law the Natives had better accept it—but let it apply throughout the Union.

He proposed that the principle of registration be accepted.

Mr. S. Zibi said he understood that Cape Natives would be required to be registered when they entered the Transvaal, and he agreed to this. But he failed to understand why his Northern friends wanted to place the Cape people in the same position as they would be on entering the Transvaal.

Mr. Sikiti said it appeared that Natives would have to register when they left their homes for work and he thought the Conference should agree to the principle of registration.

Dr. Roberts said that for 40 years his views on the pass laws system had never changed—they were well known—and during the few years remaining to him they would not change.

He asked whether in order to enable one body of people to move forward it was necessary for another body to go backward.

One great speaker had advised mankind to guard with their souls the privileges they had gained.

He hoped the Natives would never relinquish the freedom won by them in the Cape as the results of the efforts of men like Merriman, Sauer and others.

From some of the statements made one might think that the whole of the Cape Native population—nearly two millions—came to the Transvaal! And for a few thousands —50,000—some of the delegates wanted to put a burden on 1,640,000.

He thought it quite possible to have a change for the better in the Northern Provinces and yet leave the Cape alone.

He did not think the Conference so stupid as not to be able to find a way out.

Mr. Mahabane moved:

> "That in view of the fact that the pass laws system operative in the Province of the Cape of Good Hope appears to be more calculated to produce more harmonious relations between the white and the black races of this land and to promote a more peaceful government of the Bantu population of this country this Conference recommends that the system existing in that Province be extended to the other Provinces."

Speaking to the motion *Mr. Mahabane* said he failed to see the necessity for the registration of all the people. They were already registered through the payments of poll tax and hut tax. If registration was required in order to provide identification he failed to see why the tax receipt could not serve as such.

If one exemption were the 5th Standard why not others. There were too many divisions of the people: it was also proposed to leave out the Cape. Now, travelling passes were taken in the Cape setting forth the name, residence, etc., if the law made the holder keep his travelling pass it would identify him.

There being no seconder, the motion dropped.

General Lemmer said it was clear from the debate what an important matter this was. The Transvaal and Natal had too many passes and some alteration was necessary.

He thought that any new law should apply to all the Provinces.

He did not want to interfere with the rights and privileges that some Natives enjoyed, but he thought the principles in the Bill were reasonable. Under the Bill Cape Natives would not be touched until they travelled. If the Bill included the Cape it would make things more easy for the Natives.

In matters such as this there are two classes of interest to be considered—white and black. It was impossible to think that all pass laws could be abolished at that time.

He hoped that Natives would recognize that the provisions in the Bill were in their interests. It was better for a Native to have such a document than to have to run to a Magistrate or an official for a pass.

He could not see how the Cape System could possibly work in the Northern Provinces.

If one or more Provinces was to be left out of the Bill uniformity could never be attained.

He would be glad if Natives had reached the position when a pass was unnecessary, but they knew that until the Natives reached a certain standard restrictions were needed for their own protection.

Mr. S. Msimang moved, seconded by *Mr. Matoti*:

"That the principle of the Bill be accepted."

Mr. Thema moved, seconded by *Dr. Molema*:

"That this Conference appreciates the efforts made by the Government, and is ready to consider the methods to alleviate the disabilities imposed by the Pass Laws upon the Bantu communities in the Transvaal, Natal and the Orange Free State, but is strongly opposed to the Registration and Protection Bill being applied to the Bantu people of the Cape Province."

The Chairman said he wished to make it clear once more that the Government's instructions were that the Bill was only to apply in areas in which a pass law was in operation, that is in the Orange Free State, the Transvaal, Natal, the Transkeian Territories and British Bechuanaland.

From the debate it seemed to him that the feeling of the Conference was in favour of the principle of registration, as the Government proposed to apply it, and he suggested that Messrs. Msimang and Thema might withdraw their motions and a motion brought forward giving expression to this feeling.

Messrs. Msimang and Thema, with the leave of their seconders, withdrew their motions.

Mr. S. Msimang, seconded by *Mr. Thema*, moved:

> "That this Conference adopts the principle of registration as explained by the Chairman, namely, that it shall only be extended to those areas in which a pass law is in operation."

Agreed to unanimously.

Section 1 *considered.* Section *one.*

Sub-section (1).

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

> "That the word 'eighteen' wherever occurring in sub-section (1) be deleted and the words 'twenty-one' be substituted in lieu thereof."

Agreed to.

Sub-sections (2) *and* (3) *were agreed to.*

Sub-section (4).

Mr. Ndhlovu enquired why should Natal exempted Natives be compelled to apply for certificates. Would their letters of exemption be superseded?

The Chairman replied that the letters would not be superseded. There would be no difficulty in meeting the point by, say, an endorsement on the letters.

Dr. Molema asked what was the reason for requiring an exempted person to apply at all.

The Chairman said it was in order to protect the genuine exempted Native and to prevent the unscrupulous use of letters of exemption.

Dr. Molema pointed out that exemption under the Bill really meant registration. An exemption passport must be exhibited to the proper officer. This seemed to be a distinction without a difference.

Mr. Fenyang understood that persons exempted under the existing laws would have to apply under the Bill for registration. Their exemption under those laws was permanent, but under the Bill exemption might be lost. They should be careful not to lose any existing right.

Mr. S. Msimang pointed out that a registration officer "may" issue an exemption certificate. Under the existing laws he (Msimang) could not lose his exemption if imprisoned: furthermore, his exemption relieved him from the tax law. But under the Bill he might lose his exemption and have to pay arrear taxes.

Mr. S. Msimang moved, seconded by *Mr. Fenyang*:—

"(1) That the word 'may' in the first line of sub-section (4) of section *one* be deleted and the word 'shall' be substituted in lieu thereof;

"(2) that sub-section (5) of section *one* be deleted."

Dr. Loram reminded the Conference that the Bill was an attempt to make the exemption as wide as possible.

Mr. Thema did not see why the exemption laws in the Transvaal and Orange Free State should be repealed. Under those laws Natives were exempted not only from the pass laws but from other laws. This was the only right the Natives have had; they were urged to rise to a higher state of education and civilization, and the Bill proposed to take away this right.

He considered that the existing exemption laws should remain.

The Chairman said that Natives had continually pressed for the recognition in all Provinces of letters of exemption issued in any one of the Provinces. Each Province had different laws. Exemption in the Orange Free State and Natal did not relieve a man from the poll or hut tax. If uniform taxation were introduced would it be fair to exempt the Transvaal Native?

There was no intention to interfere with existing letters.

The Conference adjourned at 5 p.m.

Second Day.

Tuesday, 25th September, 1923.

The Conference assembled at 9.30 a.m., all delegates being present.

Colonel Godley in the Chair.

The Chairman suggested that, as the Bill had to be re-drafted, the principles be taken instead of taking the Bill section by section. He did not want to stifle discussion but his sole object was to expedite the business.

Mr. S. Msimang thought the Conference ought to discuss the Bill clause by clause. He would like to go away feeling that Native opinion had been given on the draft Bill as placed before the Conference. This would be impossible unless each clause is taken separately. An important point might be missed and would be a source of later regret.

He pleaded for full opportunity to discuss the Bill so that the Government might be in full possession of the views of the Conference.

The Chairman stated that he was quite willing to accept the proposal. He wanted discussion but urged delegates to confine themselves to principles.

Dr. Molema supported the views of Mr. S. Msimang.

Mr. Jabavu said it seemed unlikely that the Conference would finish on Wednesday. Most of the delegates wished to be present at the Johannesburg meeting. He would ask the Chairman to adjourn the Conference for the period from Thursday to Saturday and to resume on Monday. Delegates stood committed to large meeting at their homes and would be asked to explain the full position on their return.

Mr. Makgatho supported Mr. S. Msimang and said that delegates were not afraid of the clauses but of certain words in them. They were present to guard against certain phrases going into the law.

The Chairman stated that he had already intimated his willingness to take the Bill clause by clause.

As regards Mr. Jabavu's request, Mr. Malan had made it clear that they could go to the Johannesburg meeting provided their labours were finished. In view of this he was not in a position to give a decision, but would lay the matter before Mr. Malan. In the meantime delegates should get busy.

Consideration of section one. Section *one.*

Mr. Ndhlovu said he did not realise the necessity of a man holding letters of exemption which were signed by the Governor-General or the Minister having to apply to a registering officer under the Bill.

He therefore moved:—

"That this Conference is of opinion and recommends that Natives already holding letters of exemption in the Provinces of Natal, the Transvaal and the Orange Free State shall not require an exemption certificate issued by the registering officer as appears in section 1 (4) (*a*), that they may enjoy the facilities and freedom which they already enjoy.

"That holders of such letters of exemption may have the privilege of using them throughout the Union without molestation or discrimination as to their place of issue."

Mr. Napikela seconded the motion and added that he would like to move an amendment that exemption from the poll tax should apply to the Orange Free State.

The Chairman hoped the amendment would be withdrawn as it was outside the scope of the Conference.

Mr. Thema pointed out that the exemption under the existing Transvaal law gave more privileges than the Bill. When the Transvaal Natives agitated against the pass laws they did not press for the repeal of the exemption laws. The Government should not bring down exempted Natives to the level of those who carry passes. That position was realised 20 years ago—when there was no light for black—or for white. Now there was light and Europeans had begun to realise that

the Native problem was only a question of relationship between the races.

He therefore moved:—

"That this Conference recommends that the existing exemption laws in the Transvaal, Natal and Orange Free State which obviously grant more liberal concessions to the Bantu people in these Provinces than is provided for in the Bill should not be repealed."

Mr. Makgatho seconded the motion.

Mr. Mahabane moved, seconded by *Mr. S. Msimang*:—

> "That sub-section (4) (*a*) of section *one* be deleted and in the schedule to this Bill, Laws Repealed under the Transvaal 'The Coloured Persons Exemption Proclamation, 1901,' and under the Orange Free State 'The Coloured Persons Relief Ordinance, 1903,' be deleted."

Mr. Zibi asked for an explanation in regard to clauses (*a*) and (*b*) of sub-section (1) of section *one*.

The Chairman said it was the intention to bring the registered voter under the Bill. The purpose was to protect those who were to be exempted. He did not consider that it would be necessary to issue exemption certificates to holders of letters of exemption.

The Bill would not make any existing letters of exemption void—they would remain. The Department and the Commission would concentrate on finding some means by endorsement, or otherwise, to avoid the issue of exemption certificates by the registering officer to those holding letters of exemption.

He explained the provisions of the various existing laws regarding exemption.

The three motions which had been moved by Mr. Ndhlovu, Mr. Thema and Mr. Mahabane had the same object in view and he suggested that two of them be withdrawn and only one considered.

Mr. Ndhlovu and *Mr. Thema* with the concurrence of their seconders withdrew their motions.

The Chairman put Mr. Mahabane's motion and this was agreed to.

Sub-section (6) was agreed to.

Dr. Loram pointed out that the effect of Mr. Mahabane's motion in regard to the deletion of sub-section 4 (*a*) which the Conference had agreed to might have the effect of preventing persons holding letters of exemption from deriving any privilege under the Bill. He felt sure this was not the intention of the Conference.

The Conference adjourned at 11 a.m. and resumed at 11.15 a.m.

Mr. Mahabane said in view of what Dr. Loram had pointed out he would ask the leave of the Conference to bring the

motion which had been adopted under review to rescind it and to move it in a different form.

Leave having been granted by the Conference.

Mr. Mahabane moved, seconded by *Mr. S. Msimang*:—

"That in the schedule to this Bill, Laws repealed under the Transvaal 'The Coloured Persons Exemption (or Relief) Proclamation, 1901,' and under the Orange Free State 'The Coloured Persons Relief Ordinance, 1903,' be deleted."

Agreed to.

Consideration of section 2. Section *two.*

The Chairman explained that this section would only apply to Natives not belonging to the Union.

Mr. Mapikela thought that the age should be 21, not 12, as unless this were the case the Bill would not be in the interest of the blacks. Children should not be allowed to enter industrial areas. He therefore moved:—

"That the word "twelve" wherever occurring in section *two* be deleted and the words "twenty-one" substituted."

Mr. Langa seconded.

Dr. Loram pointed out that if this were accepted it would defeat Mr. Mapikela's desire Take the case of a Portuguese Native of 19 who happens to come into the Union; he would require no pass; he could roam about; no one could touch him; if he had run away from home his father would not be able to trace him. If Mr. Mapikela were wise he would move "three years" instead of "twenty-one years." In the Urban Areas Act a municipality could refuse to register the contract of a Native under 18.—

Mrs. Mareke considered that a child 12 years old was too young to come into the industrial areas. The Juvenile Courts in Johannesburg were congested. Young Natives came from all parts of Union for the golf people. They soon got used to town life, left their masters, bought concertinas, wore high heeled shoes, walked up and down the streets of Johannesburg, were arrested for vagrancy or as amalaitas. This was creating criminals. Natives cannot afford to allow their children to come to towns.

Dr. Loram pointed out that the Union could not pass a law to make the Portuguese prevent their Native boys from entering the Union, but if they did enter the Union the Government could insist upon their registration so as to control them and assist their parents.

The Chairman drew attention to the provisions in the Urban Areas Act, 1923, which dealt with young Natives. From these it would be seen that the Government intended taking action in large industrial centres. It was equally desirable that similar provisions should be made in rural areas. Without registration, control would be impossible.

Mr. Ndhlovu thought that if the Government could keep undesirables out of the country by the Immigration Laws it

should be equally possible under those laws to prevent young Natives from coming in.

The Chairman pointed out that it was impracticable to prevent Natives from filtering into the Union. To do this would require an enormous force of police on the borders of Swaziland, Basutoland, Portuguese Territory, and Rhodesia, and as reasonable men they could understand this was impossible. It must be accepted as a fact that young Natives did enter the Union, and in many cases when discovered it was impossible to send them back to their homes. The best thing then was that they should be under control in their own interests. He hoped the Conference would agree to section *two* as it stood.

Section *two* was agreed to.

Mr. S. Msimang asked leave to represent a request fro the Alexandra township residents that land owners in Native townships should be exempted under the Bill. He had omitted to do so when section *one* had been under discussion and through oversight had not moved the following motion:--

"That Native Landowners be included in the class of Natives who will be entitled to exemption certificates by virtue of their ownership of freehold property whether individually or in communal."

The Chairman stated he would put the motion before the Government for consideration.

Section *three*.

Consideration of section Three.

The Chairman hoped there would be full discussion on section 3.

Mr. Makgatho said that any document under this section should be drawn up to show the name, the father, the tribe, etc., and should be similar to the Transvaal Exemption Certificate.

He considered that the finger print system should not be used.

Mr. Fenyang supported Mr. Makgatho's views. The Natives were very much against finger prints being taken.

Mr. S. Msimang suggested that the Natal system be followed; the certificates issued there contains the whole description of the man. On top of the Natal system he suggested that identification certificates should contain finger prints or photo.

The Chairman quoted section 34 of the Pass Committee's Report [U.G. 41—'22.]

Mr. Thema said he had no objection to the thumb print as a means of identification, but the Finger Impression Record Branch had scared the Natives. He thought that those who could write should sign their names.

Mr. Jabavu agreed that persons able to write should sign their names.

Mr. Ndhlovu enquired whether every registering officer would be able to decipher a thumb print.

The Chairman stated that he had been assured by experts that it was a simple matter to decide where two thumb prints were made by two different men. It was easier than deciding whether two signatures were made by different men. As a means of criminal identification the impressions of all the fingers were taken, but the object of the thumb print was simply to identify that the person holding a certificate was its rightful owner.

Mr. Makgatho asked whether Natives would not be detained if their thumb prints did not agree with those on the certificates.

The Chairman replied in the affirmative.

Mr. Mapikela considered that no reference should be made to finger prints.

Mr. Ndhlovu thought the Natal system of identification best. Physical features could be mentioned in the certificate—loss of a leg and so on. Natives objected to finger prints on sentimental grounds.

Mr. Mahabane considered that a thumb print was most irritating.

Mr. Bikitsha supported the use of a finger print. If this were adopted people would go in for education and learn to write.

Dr. Molema identified himself with Mr. Bikitsha's views.

Mr. Ndhlovu expressed sorrow at the views expressed by the Cape delegates.

The Chairman suggested that it might now be possible for some one to put forward a motion, on the lines of the Pass Committee's recommendation and include a photograph as a means of identification.

Mr. Thema moved seconded by *Mr. Jabavu*:—

> "That this Conference recommends that every Native be furnished with a life-long document to be called a "Registration Certificate," that it be of parchment; that it contain full particulars of domicile and personal identity; that it bear the district serial number; that it be either signed by or be impressed with the thumb print of the holder, or have attached to it an approved photograph provided by the holder; and that it be preserved in a receptacle to be provided by the Government free of cost."

On the motion being put the following voted:—

For the Motion:

1. Bikitsha, D.
2. Bokleni, W. N.
3. Jabavu, D. D. T.
4. Langa, J.
5. Lehana, S.
6. Matoti, S.
7. Maxeke, Mrs.
8. Molema, S. M.
9. Mopeli, C. M.
10. Mphahlele, P.
11. Msimang, H. S.
12. Pelem, M.
13. Sikiti, J. G.
14. Thema, R. V. S.
15. Zibi, S. F.

Against the Motion:

1. Fenyang, Z. W.
2. Kuzwayo, M.
3. Mahabane, Z. R.
4. Majozi, S. G. E.
5. Makgatho, S. M.
6. Mapikela, T. M.
7. Moiloa, A. R.
8. Msimang, W.
9. Ndhlovu, W. W.
10. Takalani, —.

Motion agreed to.

Section *four*.

The Chairman invited discussion on section *four*.

Mr. S. Msimang considered it was not right to saddle the Minister with such responsibility. An appeal should be dealt with by the Courts or by the Native Affairs Commission with three Native members subject thereafter to appeal to the Higher Courts.

Mr. Jabavu pointed out that this was class legislation and required that justice should be aimed at. Natives exempted under existing laws could lose their rights. The section as it stood was open to abuse. The right to cancel should not be left in the hands of the Minister.

Mr. Ndhlovu suggested that appeal should be to the Magistrate and to Higher Courts. The Magistrate was on the spot—the Minister far away.

Mr. Makgatho said that if the clause were left as it was in regard to cancellation it would cause trouble. A registering officer might have animus against a man. No definition of what an undesirable person was had been laid down.

The Chairman pointed out that cancellation could not take place except for the reasons laid down in the Bill in section *one* (5). The registering officer was strictly bound by this. The reason for allowing the appeal to Minister was to allow a Native who thought extenuating circumstances had not been taken into account by the registering officer to have those circumstances considered by the Minister. He assured the Conference that when a Minister had to give a decision care was taken that all facts were taken into consideration.

Mr. Zibi referred to section *one* (5) upon which no decision had been given.

The Chairman agreed that that sub-section might be discussed with section *four*.

Mr. Thema thought that too much power was given to the Minister by making him final Court of Appeal.

Dr. Loram suggested that an appeal should lie to the Governor-General.

At this stage His Worship the Mayor of Pretoria entered the Conference.

The Chairman welcomed the Mayor.

The Mayor addressed the Conference.

Mr. Jabavu moved, seconded by *Mrs. Maxeke*:

"That the Conference pass a vote of thanks to the Mayor."

Motion carried.

The Mayor withdrew.
Business resumed.
Mr. Fenyang, seconded by *Mr. Nhdolvu* moved that:—

"The words "whose decision shall be final" be deleted in section *four*."

Dr. Roberts urged that the Minister was the most suitable person to whom an appeal might be made.
Mr. Mahabane considered the Conference should pass on to other sections.
Mr. Bikitsha agreed with Mr. Mahabane.
The Chairman put the motion:—

"That the words "whose decision shall be final" be deleted in section *four*."

Motion agreed to.
The Chairman stated that on the previous day the following motion had been moved by Mr. S. Msimang and seconded by Mr. Fenyang:—

"1. That the word "may" in the first line of sub-section (4) of section *one* be deleted and the word "shall" be substituted in lieu thereof:
2. That sub-section (5) of section *one* be deleted."

He invited discussion.
Mr. Ndhlovu said he did not like to punish a man twice for the same crime. He quite realized that the intention was to make persons prize exemption certificate. But here you are singling out a class.
Dr. Loram pointed out that even Europeans were punished twice, a barrister or a doctor might be imprisoned and on release might find they had been struck off the rolls.
Mr. Makgatho said that if a person were convicted of rape or theft his certificate should be cancelled. The Conference did not want to encourage criminals.
Mr. Majozi did not think a man who committed gross sin should be protected.
Mr. Sikiti said the delegates were not there to protect the interests of criminals. If a man committed a crime he should lose his exemption.
Mr. Ndhlovu thought that there should be provision made for a man who repents. If an attorney were struck off the rolls he might later on be re-instated.
The Chairman said he agreed with the views of the last speaker. There was nothing in the Bill to prevent a man whose certificate was cancelled from becoming exempted again later on.
Mr. S. Msimang, with leave, withdrew his motion.
Sub-section (5) of section *one* put and agreed to.
Sections *five*, *six*, *seven* and *eight* were put and agreed to.
The Chairman pointed out that section *nine* was not before the Conference, and invited discussion on section *ten*.

Section *ten.*

Mr. S. Msimang considered that registration of contracts should be compulsory in the interests of the Natives. He moved:—

"That registration of contracts be made compulsory."

Mr. Jabavu seconded.

Mr. Mahabane said he had discussed the question of voluntary or compulsory registration of contracts with the people and opinion was divided: some thought registration would be a protection; others viewed the suggestion with alarm. The people wanted time to think over the matter.

Mr. Langa supported Mr. Mahabane's views.

Mr. Fenyang said that opinion was divided. He thought registration should be compulsory to protect the people. He knew of cases tried by the Courts which the Natives had lost because the contract was not registered. Since the Natives Land Act farmers declined to register contracts.

Mr. Makgatho thought that registration should be compulsory.

Mr. Takalani supported Mr. Mahabane.

The motion was agreed to.

Section *ten,* as amended, agreed to.

Section *eleven.*

Mr. S. Msimang and *Mr. Ndhlovu* enquired why a section such as this was necessary.

Mr. Mahabane said he had seen how such a provision as this operates. He referred specially to people going to a farm to attend divine service with the permission of the owner. The farm changed hands and the new owner had people arrested.

Chief Moiloa gave instances in which such a provision created hardship, and agreed with Mr. Mahabane.

Mr. Majozi did not like this section as it would not affect Indians, coloured people or Europeans.

The Conference adjourned from 5 p.m. to 8 p.m.

Dr. Roberts asked the Conference to respect the individualistic view of the European landowner which was so very different from the communal outlook of the Natives.

Mr. Makgatho said that a law was a law and should apply to Europeans and Natives and suggested that "Native" should be deleted and "person" substituted.

Mr. S. Msimang pointed out section eleven was in the wrong Bill. It was not covered by the title. How could the fact of a Native going over a property affect the question of a pass law. He thought the Government should frame a general trespass law if such were necessary. As far as trespass was concerned the Natives had a greater grievance than the Europeans, for wherever the European trespassed he left bastards behind.

Mr. Jabavu moved, seconded by *Mr. S. Msimang*:—

"This Conference is of opinion that section *eleven* should properly be dealt with in a special and separate

Act in which provision should be made for equality of treatment as between Europeans and Natives."

Agreed to.

The Chairman intimated that section *twelve* seemed to have been omitted from the Urban Areas Act. Section *twelve.*

The Conference agreed to this section standing over.

Mr. S. Msimang enquired whether regulations under section *thirteen* would be considered by a Conference such as the present one. Section *thirteen.*

The Chairman replied that this was not practicable. All regulations had to keep within the limits laid down in the Act.

Section *thirteen* was agreed to.

Sections *fourteen, fifteen* and *sixteen* were agreed to.

Sections *seventeen* and *eighteen* were not considered.

Sections *nineteen, twenty* and *twenty-one* were agreed to.

Dr. Molema said he had waited until this opportunity to suggest that there should be degrees of exemption.

Mr. Jabavu thought it would do no good to elaborate any degrees of exemption. He had personally travelled for six years in the Transvaal and found no difficulty.

The Chairman said that this concluded the first item on the official agenda and he would now ask the Conference to give consideration to the draft Marriage Bill.

Consideration of the Marriage Bill.

The Chairman stated that the Bill dealt with an important matter. The Bill had been prepared to focus discussion, during which no doubt other points would emerge. He would not confine speakers to the definite clauses in the Bill and he hoped the debate would range over the whole question of Native marriages. Marriage Bill.

Mr. Mahabane thought that the Bill would give relief to the people of the Free State. The non-recognition of marriages contracted according to Native custom pressed hardly on them.

Mr. Zibi said a man paid lobolo to the parent or guardian of the girl; on the day of the wedding the girl went to the man's kraal as a proof of marriage.

He considered that the word "informal" should not be used in the Bill.

Mr. Makgatho said that Natives might be divided into two classes—Christians and others. The majority of Christian Natives lobola their wives and they go to the civil authorities.

If marriages according to Native custom were legalized it would place the Government in a dangerous position. According to the custom of his tribe, if his wife died without issue he would have to get back the dowry or get a second wife from the person to whom dowry had been paid. This was the first obstacle. Trouble would ensue if Government stepped in.

Mr. Langa gave a short account of the Pondo custom.

Mr. Ndhlovu gave a resumè of the position as laid down in the Natal Native Code.

Mr. Matoti said that in the Transkei if the wife died the husband did not get back the dowry—issue or no issue. Ukungena was not recognised in his part. A universal law would not meet all customs.

He suggested that matters should be left as they were and that the tribes should carry on their customs.

Mr. Thema said he wished to emphasize the necessity for such a Bill in the Transvaal. Neither the deserted husbands nor deserted wives—married according to Native custom—could get relief, under the existing law. The Sub-Native Commissioners did manage sometimes to bring about a settlement, but they did not have the law behind them.

Mr. Bokleni stated that payment of dowry was the confirmation of the marriage.

The Conference adjourned at 10 p.m.

Third Day.

26th September, 1923.

The Conference resumed at 9.30 a.m., all delegates being present.

Col. Godley in the chair.

Suggested adjournment.

The Chairman stated that in accordance with the promise made to Mr. Jabavu on the previous day he had placed before the Acting Prime Minister the suggestion that the Conference should adjourn from Thursday to Monday, and he had to tell the Conference that Mr. Malan considered the suggestion inadvisable.

Mr. Malan wished the delegates to realize that the Conference was in an experimental stage and they should hasten slowly until lacking machinery could be evolved.

Mr. Malan had decided that a Conference should be held every year and care would be taken in the future to avoid clashing with other meetings.

The Conference must conclude on that day, and should any matter be left over that could be brought up at the next Conference.

Payment of claims.

The Chairman informed delegates that claims for subsistence would be paid between 5 p.m. and 8 p.m. at the Department of Native Affairs.

Marriage Bill.

The Chairman asked the Conference to resume discussion on *The Native Marriage Bill.*

Mr. Jabavu said he wished to represent a desire of the Natives in the Ciskei that persons originally married by Native custom should be allowed to have their estates administered in accordance with Native custom even in the case of a man who subsequently married in Church and the marriage registered by a marriage officer. This request was to give relief in a great number of estates which are daily liquidated

in which the legal expenses were so heavy that little was left for the family.

Mr. Kuzwayo said there was no trouble in Natal proper where marriages were registered and where all the complaints made by the delegates were met by the Native Code. The Code did not apply to Zululand, and this caused complaint there, and the people asked that the system of registration be applied.

He suggested that the Conference should adopt what was good from the Natal Code.

He considered the Marriage Bill a good one.

Dr. Molema considered registration was desirable and necessary.

He had been struck by the diversity of customs, but he thought two principles emerged from these customs.

First the payment of cattle conferred validity on the act of marriage—it was the stamp on the receipt.

Secondly the cattle were irrecoverable belonging to the bride's people for all time while the children belonged to the father's part at all times.

The Bill seemed to violate these principles.

Mrs. Maxeke said that the delegates did not really disagree on any points. They thought that Native marriages should be registered in the Transvaal. Men came to the mines and deserted their wives, the marriages were not recognised and the men could not be touched.

She wished to see the women protected.

Mr. Lehana enquired whether it was the intention of the Government to make a uniform law for the whole Union or only for places where no facilities existed.

The Chairman replied the Bill was intended to help those places where Native marriages were not recognised.

Mr. Lehana stated that in the Transkei the registration of dowry was very helpful although many Natives did not take advantage of it.

Mr. Mphahlele said he was glad to hear the Chairman's statement that relief was intended by the Bill.

The Bill was not against the custom of his people.

Mr. Moiloa stated that some of his people contracted Christian marriages.

In the case of heathen marriages dowry might not be paid until after cohabitation for some time.

Mr. Takalani welcomed the provisions of the Bill.

Among the Bavenda girls were married young and cattle paid; but consummation did not take place immediately.

Dr. Loram explained the position of the law relating to marriages by Native custom.

Mr. Fenyang moved:—

"That this Conference approves of the principles laid down in the Bill."

Mr. Makgatho seconded.

Agreed to.

Dr. Molema moved:—

"That the principle of registration be embodied in the Bill."

Mr. S. Msimang seconded.

Agreed to.

Mr. Zibi stated that he had been asked by Natives in the King William's Town District

(i) to represent that Native marriages were not "informal";

(ii) to ask that lobolo be claimable not only by the man concerned but by his heir.

The Chairman said he would accept both representations.

Constitution of Conference.

The Chairman intimated that as the Acting Prime Minister had specially asked the delegates to assist by their advice in evolving some scheme for the constitution of future Native Conferences he wished to invite full discussion on the subject.

Mr. Majozi said that if the delegates discussed the matter for the whole day they would find no solution. There was no machinery in existence. If the Natives were asked to elect delegates it would cause great trouble. The Prime Minister had mentioned how hard it was for the people to appoint their own councils. The Conference was in its infancy.

He suggested that the selection of delegates be left in the hands of the Government—which has the advice of the body representing all Natives in the Union, namely, the Native Affairs Commission. This should continue for two or three years.

The Government should endeavour to see that all portions of the Union should be represented.

If the people elected delegates the latter would only be recognised by certain sections.

Mr. Bikitsha said he agreed with Mr. Majozi, that the matter should be left in the Government's hands. The Conference was in an experimental stage and delegates should go slowly.

The desire to select delegates was due to a wish to send firebrands to the Conference.

Mr. Sikiti admitted that the election of delegates was difficult, but in the Cape they had the machinery, for in that Province there were Native parliamentary voters. In the other Provinces there were no voters. He did not think that every man in those Provinces should be entitled to vote.

He thought that the Government should continue to nominate delegates.

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

"Whereas in the opinion of this the second Conference of Native Chiefs and other representative

Natives with members of the Native Affairs Commission held in Pretoria this 24th day of September, 1923, the interests of the more satisfactory administration of Native Affairs would be better served if the Conferences contemplated by section 16 of the Native Affairs Act No. 23 of 1920 were partially selective, partially nominative and partially elective.

"The Conference therefore respectfully yet strongly recommends the Government to consider the advisability of introducing machinery whereby one-third of the members of the Conference would be selected by the Government, one-third nominated by Native Chiefs domiciled in the several Provinces or Native Territories of the Union, and one-third elected by the various Bantu political or industrial associations in the country."

He considered that these Conferences were good. They should inspire confidence at the outset, but selected Conferences did not do so, as they raised opposition. This had been recognized by the Acting Prime Minister.

The difficulty of election could be met by giving the right of election to existing Bantu Associations, which represented the organized sections of the people. The unorganized sections would be met by the Chiefs' nominations. In the Urban Areas delegates could be elected from existing organisations.

The time would come when the Native people should be governed with their consent. He appreciated the Government's action.

Mr. Jabavu supported Mr. Mahabane's views. Some people saw only wrangling for the choice to be present at a Conference and this might happen if badly done. But he would draw attention to the Transkei where election and nomination were both recognized in the Councils.

The single aim should be to get the confidence of the Natives in the Conference.

He thought the principle of one-third nominated by the Government and one-third nominated by the Chiefs good.

But he differed from Mr. Mahabane in regard to the Bantu politicial organizations—not on account of any suspicion but because it would leave out the representation of some people.

He suggested that all Natives owning property valued at £75 or earning £50 p.a. be given the right to vote for delegates. This would facilitate machinery, for those qualifications were what were fixed for parliamentary voters and he was looking forward.

The Conference adjourned at 12.45 p.m. and resumed at 2 p.m.

Mr. S. Msimang said he was in sympathy with Mr. Mahabane's motion but he felt that any election by Bantu associations would *not* succeed. Before accepting the proposal they would have to know the standing and strength of the Associations as well as the qualifications of the members.

He knew of course that associations were contemplated under the Native Affairs Act, 1920, but was the Conference prepared to accept *any* Association. If so there would be a multitude of Associations.

Furthermore there was no system by which Chiefs could come together to select representatives.

He was sorry it had not been possible for the Government to establish Native Councils in Native Areas—but they would come and in the meantime something else had to be put forward.

He suggested that for the next Conference the Government should nominate one-half of the delegates and the remainder should be chosen as follows:—

(*a*) In the Cape by the election of candidates for whom registered voters would vote;

(*b*) in the Transvaal, Natal and Orange Free State, exempted Natives should furnish lists of names from which delegates could be selected.

Mr. Pelem agreed with Mr. Msimang. He said he represented Glen Grey—a district with a Native population of 55,000—where the Glen Grey Act was in force. Location Boards were elected every year and his experience was that the people did not understand the responsibility attached to the election of members.

Mr. S. Msimang's idea of one-half the number of delegates being nominated by the Government was good.

Mr. W. Msimang advised the delegates to hasten slowly. They should place full confidence in the Government. The Conference had just been born and was not even creeping. If the delegates returned home and told the people they must vote it would only create a disturbance. Where election was concerned he found that the people voted against an intellectual man. The people were backward especially the chiefs and councillors. How could such people elect proper representatives.

He thought the matter should be left in the hands of the Government.

He suggested that the Government should nominate delegates not for one year, but for a period of years.

Mr. Zibi said he was under the impression that Chiefs were specially mentioned in the Native Affairs Act.

He did not fear Native Organizations which were working for the benefit of Natives, and he thought the election of delegates should be in their hands.

Mr. Makgakho emphasized the fact that suspicion would be created.

Dr. Roberts addressed the Conference.

Mr. Thema said it appeared to him that the Conference was not quite ready to consider the question of election.

He pointed out that the number of delegates should be increased as there were many important districts in the Transvaal which were not represented.

He moved:—

"That the question of the Constitution of the Conference be held over till next year."

Mr. Ndhlovu seconded the motion.

Mr. Mahabane pointed out that the days of government by nominated persons were when autocracy ruled, but democracy now ruled.

He had no objection to the postponement of the consideration of the Constitution.

Mr. Mahabane, with leave, withdrew his motion.

Mr. S. Msimang suggested the appointment of a Committee to deal with the question.

The Chairman said he could not accept the suggestion.

The Chairman put Mr. Thema's motion, namely:—

"That the question of the constitution of the Conference be held over till next year".

The following voted:—

For the motion:

1. Bokleni, W.
2. Fenyang, Z. W.
3. Kuzwayo, M.
4. Langa, J.
5. Lehana, S.
6. Majozi, S.
7. Matoti, S.
8. Maxeke, Mrs.
9. Moiloa.
10. Molema, S. M.
11. Mopeli.
12. Msimang, H. S.
13. Msimang, W.
14. Mphahlele, F.
15. Ndhlovu, W. W.
16. Pelem, M.
17. Takalani.
18. Thema, R. V. S.
19. Zibi, S.

Against the motion:

1. Jabavu, D. D. T.
2. Mahabane, Z. R.
3. Makgatho, S. M.
4. Mapikela, T. M.

Motion carried.

Mr. Fenyang moved, as an unopposed motion, seconded by *Mr. Mapikela*:

"That this Conference desires not only to assist the Government in shaping the Union Native policy but to remove all difficulties imaginary and real in the way of carrying out the policy laid down in the Native Affairs Act, strongly urges the Government to see the advisability of the early establishment of local councils in such Native areas where there are apparently no difficulties such as Divisional Councils and the inhabitants are in favour of the establishment of councils".

Agreed to.

Urban Areas Act.

The Chairman made a general statement regarding the Urban Areas Act and mentioned the main differences between the Act as passed by Parliament and the Bill which was considered by the Conference at Bloemfontein last year.

Mr. Makgatho asked whether it was any good making representations for the amendment of the Act.

General Lemmer pointed out that Acts of Parliament were not like the law of the Medes and Persians but could be amended, at the same time it was not desirable to amend a law until it had been tried. They had to learn from experience and then Parliament might amend. The Act must be given a chance.

Dr. Roberts thought that like loyal citizens they should give the Act a trial.

Mr. S. Msimang enquired:

1. Does the Act prevent the Government from establishing Native Townships outside Urban Areas?
2. Why does not the Government allow the establishment of a Native Township on the farm adjoining Kliptown?
3. The Natives would like to have an opportunity of seeing the regulations before they were promulgated, would the Government meet this wish?
4. The Natives would like to express their ideas about the length and conditions of the lease—would this be allowed?

The Chairman replied:—

(1) No.
(2) The refusal was due to the considered policy of the Government.
(3) This would not be practicable: the Government was framing model regulations for the consideration of urban authorities.
(4) The Government would not frame regulations governing leases, but urban authorities who would have to take into consideration local conditions. Regulations made by local authorities would come before Advisory Boards before they were approved and the Natives concerned would have an opportunity of expressing their views on them.

Messrs. Mapikela, Kuzwayo, Ndholvu and *W. Msimang* referred to the land question and the condition of evicted Natives.

The Chairman, in reply to *Mr. S. Msimang*, said the Natives (Urban Areas) Act would come into operation on the 1st January, 1924.

Taxation.

The Chairman said in regard to the question of taxation he really had nothing to put before the Conference except to explain the present position.

He referred to the effect of the Financial Relations Act, 1921, in preventing the Provincial Councils from levying direct taxation on Natives, in placing upon such Councils the duty of providing a certain amount of money for Native education and in placing upon the Union Government the duty of providing funds for the expansion of Native Education.

The Government was faced with falling revenue and had decided that any money required for the expansion of Native education should come from the Natives.

The Government had for a long time realized the inequalities of taxation in the four Provinces, and, accordingly, to meet the necessity of getting more money had appointed a Committee to enquire into the whole question of taxation with a view to bringing about uniformity in taxation and at the same time providing the extra money required for education.

He was unable to say what the Committee might recommend or the Government decide.

In the meantime the Government had agreed to guarantee £60,000 for each of the years 1923'-24 and 1924-'25 for Native education.

Mr. Jabavu was glad to have the position cleared.

His private opinion was that the amount spent on Native education was very little in comparison with the revenue derived from Native revenue and that a readjustment of taxation with a view to uniformity could, without further taxation, provide the money required for the advancement and extension of Native education.

He quoted the following figures in support of his contention:—

Transvaal:

Amount from Poll Tax	[illegible],000
Amount from Pass Fees	350,000
Amount spent on Education	56,000

O.F. State:

Amount from Poll Tax	86,009
Amount spent on Education	5,000

Natal:

Amount from Hut Tax	270,000
Amount spent on Education	32,000

Cape:

Amount from Hut Tax	175,000
Amount spent on Education	170,000

Mrs. Maxeke said that the £56,000 spent on education in the Transvaal included "Coloured", "Indian" and "Native" Education.

Mr. Thema agreed with Mr. Jabavu.

The Conference adjourned at 5 p.m. and resumed at 8 p.m.

Mr. Fenyang considered that the Orange Free State should be taken as the standard for taxation.

Dr. Molema said he was not against the unification but it was the method he objected to.

Mr. S. Msimang said that the biggest cry in the Transvaal was for the reduction of taxation.

Mr. Mapikela moved:

> "That the tax in the Transvaal should be £1, in the Cape £2, in Natal £1 and in the Orange Free State 10s."

Those people, he said, who got most benefits should pay the most.

There being no seconder the motion fell away.

Mr. Ndhlovu agreed with the principle of uniformity of taxation. He could not understand how Indians and Coloured people got better education when they paid no taxation.

Mr. W. Msimang enquired whether education would be compulsory.

Mr. Majozi asked whether all the Provinces would have unified education, the same standard, the same salaries.

He also asked when the Union Government would take over education.

Dr. Roberts addressed the Conference.

Dr. Molema moved, seconded by *Mr. S. Msimang*:

> "That this Conference recommends the principle of uniform taxation should be brought into practice and that this be done by reducing the higher tax rates and increasing the lower tax rates till a fair average be arrived at".

Motion carried (only *Mr. Mapikela* dissenting).

The Chairman stated that the official business had been concluded by the disposal of the question of taxation.

He did not intend to ask the Conference to discuss certain motions which had been handed in. These would be held over for the next Conference.

He complimented delegates on the way the debates had been discussed and views put forward.

Dr. Roberts also referred to the excellent way in which the Conference had been conducted and complimented the Chairman.

Mr. Bikitsha, seconded by *Mr. Mapikela*, moved a vote of thanks to the Chairman.

Agreed.

The Conference concluded at 9.50 p.m.