

MAKING CRIMINALS AT RATE OF

3,000 A YEAR

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THE NATIVE IN RELATION TO CRIME

MR. D. G. SHEPSTONE AND GRAVITY OF THE PRESENT POSITION

THE Native in relation to crime formed the subject of an interesting discussion at last night's monthly meeting of the Joint Council of Europeans and Natives. In introducing the subject, the Chairman, Mr. D. G. Shepstone, commented upon the interest it had recently aroused among the public generally, and gave the meeting some figures indicating the gravity of the present situation. Some of the figures, he remarked, were somewhat startling.

Native Convictions

During the year ended March, 1935, the total number of Native convictions for crime was 465,312, whereas in 1930 the figure was 372,615. This meant that during a period of five years they were making criminals at the rate of over 3,000 a year.

Of the 465,312 convictions, only some 18,000 were on account of crimes of a serious nature, the remainder being for offences in connection with Native taxation, pass laws, municipal offences, labour regulations and the Native Urban Areas Act.

In his opinion there were three major causes. Firstly, there was the economic position of the Bantu; secondly, the ever-increasing number of statutory laws, and, thirdly, the procedure in the courts.

In regard to the economic position of the Bantu, last year some 69,000 Natives were convicted for non-payment of the Poll Tax. In 1930 the number was 49,772. This position had not only engaged the serious thought of people interested in Native welfare, but had come to the notice of Colonel Deneys Reitz and the Press.

Europeans in the country were taxed according to their ability to pay, but the Native was taxed personally. The fact that there were so many convictions showed that there was something radically wrong with the Poll Tax. This induced the inquiry as to whether the tax was too high, and whether it was a just tax.

The suggested abolition of the tax had been condemned by the Native Economic Commission. Others advocated that there should be a general tax of 2s. 6d. or 5s. a year, or that it should be based on a sliding scale.

Useful Suggestions

Some useful suggestions were put forward by the Maritzburg Native Welfare Society, the first being that Natives convicted for the non-payment of poll tax should not be sent to prison, but be put to work on the roads.

Another highly dangerous aspect period so served should be paid for at the rate of £1 a month, such money to be appropriated to the payment of the tax owing by the Native.

Others were that there should be a greater uniformity of sentences, and that all taxes over three years in arrear be remitted.

In regard to the increasing number of statutory laws, the number of convictions proved conclusively how these adversely affected the Natives. These laws were becoming so numerous that the Natives were quite ignorant when they were committing a contravention.

Commenting upon the procedure in the Courts, Mr. Shepstone said that his personal experience had shown that the Natives had a genuine complaint. Instead of being asked: "Are you guilty or not guilty?" a Native accused should be asked: "Do you consider yourself guilty or not guilty?"

In this connection it was most unfortunate that there was not an examination for Zulu interpreters, in the same way as for Afrikaners and Indian interpreters.

Another highly dangerous aspect of the position in which the Natives were placed was in regard to the crime of perjury. On numerous occasions he had seen a look of amazement on the face of a Native when confronted with a statement he was supposed to have made in evidence. The Natives were so helpless that it was imperative to employ the very best interpreters.

Then again the fines imposed were quite out of proportion to the Native's ability to pay. The First Offenders' Act was rarely applied in the case of a Native.

During the discussion which followed, strong exception was taken to the suggestion that Natives convicted for the non-payment of poll tax should be put to work on the roads, it being contended that such a proposal was fully in keeping with the persistent endeavour to procure cheap labour in South Africa.

The method of collecting Native taxes was likewise condemned, it being felt that the Council should protest against the poll tax, which was characterized as iniquitous.

A Native member, in supporting this view, declared that the differential treatment of the Native was in keeping with the policy of South Africa. Such treatment had become a religion, and steps should be taken by the Council to get something done.

Other speakers emphasised the necessity for an amelioration of injustices in the Courts, it being stated that the legal profession would welcome such a step. What was wanted was a defender of the Native who would see that he was justly dealt by.

It was eventually resolved to refer the matter to the Executive Committee with instructions to bring up a report with recommendations.

Conviction Of M.P. For Perjury

Mr. Haywood
Withdraws Appeal

BLOEMFONTEIN, Aug. 14.
MR. J. J. HAYWOOD, M.P. for Bloemfontein South, has withdrawn the appeal he lodged against his conviction in the Magistrate's Court on a charge of perjury. The appeal was to have been heard in the Provincial Court on Wednesday. To-day the fine of £30 imposed was paid at the Magistrate's offices.—(Reuter.)

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