

THE PARLIAMENT OF THE UNION OF SOUTH AFRICA.

A1655 / A62b  
J.B. Hunt  
Gables  
Blackridge

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*(Third Session—Seventh Parliament.)*

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# REPORT AND PROCEEDINGS

OF THE

## JOINT COMMITTEE

ON THE

REPRESENTATION OF NATIVES AND COLOURED  
PERSONS IN PARLIAMENT AND PROVINCIAL  
COUNCILS AND THE ACQUISITION OF LAND BY  
NATIVES.

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*Printed by Order of the HOUSE OF ASSEMBLY.*

*April, 1935.*

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[*Joint Committee No. 1—1935.*]

No. of copies printed, 2,500.  
Cost of printing, £186 12s. 4d.



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## ORDERS OF REFERENCE.

## HOUSE OF ASSEMBLY.

14th January, 1935.

*Ordered.*—That the Joint Committee consisting of twenty-seven members which was re-appointed during the session of 1934 to consider the question of making special provision for the representation of natives and coloured persons in the Parliament and Provincial Councils of the Union and for the acquisition of land by natives and which was unable to submit a report on these matters, be again re-appointed to continue the enquiry, the Committee to have the same powers as the Committee of last session and to include the following members of the House of Assembly, viz.: The Prime Minister, the Minister of Justice, the Minister of Finance, the Minister of Native Affairs, the Minister of Mines, the Minister of the Interior, Col.-Cdt. Collins, Messrs. P. C. de Villiers, du Plessis, van Coller, le Roux, Marwick, Tom Naudé, Nicholls, Payn, W. H. Rood, Col. Stallard, Mr. Strydom, Maj. van Zyl and Mr. Wessels.

Message from the House of Assembly to the Honourable the Senate.

The House of Assembly transmits to the Honourable the Senate the following Resolution, passed by the House of Assembly, and in which the House of Assembly desires the concurrence of the Honourable the Senate, viz.:

That the Joint Committee consisting of twenty-seven members which was re-appointed during the session of 1934 to consider the question of making special provision for the representation of natives and coloured persons in the Parliament and Provincial Councils of the Union and for the acquisition of land by natives, and which was unable to submit a report on these matters, be again re-appointed to continue the enquiry, the Committee to have the same powers as the Committee of last session and to include the following members of the House of Assembly, viz.: The Prime Minister, the Minister of Justice, the Minister of Finance, the Minister of Native Affairs, the Minister of Mines, the Minister of the Interior, Col.-Cdt. Collins, Messrs. P. C. de Villiers, du Plessis, van Coller, le Roux, Marwick, Tom Naudé, Nicholls, Payn, W. H. Rood, Col. Stallard, Mr. Strydom, Maj. van Zyl and Mr. Wessels.

The House of Assembly further requests the Honourable the Senate to appoint the same members of the Senate who served on the Committee last year.

House of Assembly,  
14th January, 1935.

15th January, 1935.

*Ordered.*—That the Report and Proceedings of the Select Committee appointed by the Joint Sitting of both Houses of Parliament in 1930 on the Native Bills and the Reports and Proceedings of the Joint Committees of 1931, 1931-'32, 1933 and 1934 on the Representation of Natives and Coloured Persons in Parliament and Provincial Councils and the Acquisition of Land by Natives, and the Report of the Commission on the Representation of Natives and Coloured Persons in Parliament and Provincial Councils and the Acquisition of Land by Natives, laid upon the Table on the 12th February, 1929, be referred to the Committee.

## THE SENATE.

15th January, 1935.

The following Message was brought from the Honourable the House of Assembly:

Message from the House of Assembly to the Honourable the Senate.

The House of Assembly transmits to the Honourable the Senate the following Resolution, passed by the House of Assembly, and in which the House of Assembly desires the concurrence of the Honourable the Senate, viz.:

That the Joint Committee consisting of twenty-seven members which was re-appointed during the Session of 1934 to consider the question of making special provision for the representation of natives and coloured persons in the Parliament and Provincial Councils of the Union and for the acquisition of land by natives, and which was unable to submit a report on these matters, be again re-appointed to continue the enquiry, the Committee to have the same powers as the Committee of last Session and to include the following members of the House of Assembly, viz.: the Prime Minister, the Minister of Justice, the Minister of Finance, the Minister of Native Affairs, the Minister of Mines, the Minister of the Interior, Col.-Cdt. Collins, Messrs. P. C. de Villiers, du Plessis, le Roux, Marwick, Tom Naudé, Nicholls, Payn, W. H. Rood, Col. Stallard, Messrs. Strydom, van Coller, Maj. van Zyl and Mr. Wessels.

The House of Assembly further requests the Honourable the Senate to appoint the same members of the Senate who served on the Committee last year.

House of Assembly,  
14th January, 1935.

*Resolved.*—That this House do concur with the Honourable the House of Assembly in the said Resolution.

*Ordered.*—That the following Message be carried to the Honourable the House of Assembly by the Clerk of the House:

Message from the Senate to the Honourable the House of Assembly:

The Senate concurs in the Resolution contained in the Message from the Honourable the House of Assembly, dated 14th January, 1935, relative to the re-appointment of the Joint Committee to consider the question of making special provision for the representation of natives and coloured persons in the Parliament and Provincial Councils of the Union, and for the acquisition of land by natives.

The Senate further begs to acquaint the Honourable the House of Assembly that it has complied with the request contained in the said Message and has appointed the same members of the Senate who served on the Committee last year, namely, Senators Hofmeyr, F. S. Malan, Smit, Spies, Thompson, le Roux van Niekerk and Wessels.

The Senate,  
15th January, 1935.



## REPORT

OF THE

JOINT COMMITTEE ON THE REPRESENTATION OF NATIVES AND COLOURED PERSONS AND THE ACQUISITION OF LAND BY NATIVES, appointed by Orders of the House of Assembly and of the Senate, dated the 14th and 15th January, 1935, the Committee to have power to take evidence and to call for papers and to consist of the PRIME MINISTER, the MINISTER OF JUSTICE, the MINISTER OF FINANCE, the MINISTER OF NATIVE AFFAIRS, the MINISTER OF MINES, the MINISTER OF THE INTERIOR, Col.-Cdt. COLLINS, Messrs. P. C. DE VILLIERS, DU PLESSIS, VAN COLLER, LE ROUX, MARWICK, TOM NAUDÉ, NICHOLLS, PAYN, W. H. ROOD, Col. STALLARD, Mr. STRYDOM, Maj. VAN ZYL, Mr. WESSELS, and Senators HOFMEYR, F. S. MALAN, SMIT, SPIES, THOMPSON, LE ROUX VAN NIEKERK and WESSELS.

(1) Your Committee has considered the matters referred to it and more particularly the following Bills :—

- (a) *The Natives Trust and Land Bill*; and
- (b) *The Natives Parliamentary Representation Bill*.

(2) Your Committee has also had before it the results of the labours of the previous Committees which considered the Bills from 1927 onwards, and of the Commission appointed in pursuance of a Resolution of both Houses of Parliament dated the 18th May, 1932.

(3) As a result of your Committee's deliberations, two draft Bills have been prepared called :—

- (a) *The Natives Trust and Land Bill*, dealing with the acquisition of land by natives; and
- (b) *The Natives Representation Bill*, dealing with the political rights of the natives.

This second Bill includes the subject matter of both the original *Representation of Natives in Parliament Bill* and the *Union Native Council Bill* which were referred to the Committees of former years.

(4) The Government have informed your Committee that they do not intend to proceed with the *Coloured Persons Rights Bill* and that they intend during the recess to prepare an amended *Native (Urban Areas) Bill* for submission to Parliament during its next session.

(5) Your Committee has, therefore, not considered it necessary to report further on these two latter Bills.

(6) In consequence, your Committee now submits as a basis for legislation to both Houses of Parliament the two draft Bills referred to in paragraph (3), viz. :—

- (a) *The Natives Trust and Land Bill* [Appendix A]; and
- (b) *The Natives Representation Bill* [Appendix B].

(7) Your Committee submits the minutes of its proceedings, as well as the minutes of the proceedings of the Committees which preceded it.

R. STUTTAFORD,  
Acting Minister of Native Affairs.  
For Chairman.

Committee Rooms,  
House of Assembly,  
10th April, 1935.



## PROCEEDINGS OF JOINT COMMITTEE.

PROCEEDINGS OF THE JOINT COMMITTEE ON THE REPRESENTATION OF NATIVES AND COLOURED PERSONS AND THE ACQUISITION OF LAND, re-appointed by Orders of the Senate and of the House of Assembly dated the 15th and 14th January, 1935, respectively, the Committee to have the same powers as the Committee appointed in the 1934 Session, and to consist of the PRIME MINISTER, the MINISTER OF JUSTICE, the MINISTER OF FINANCE, the MINISTER OF NATIVE AFFAIRS, the MINISTER OF MINES, the MINISTER OF THE INTERIOR, Senators HOFMEYR, F. S. MALAN, SMIT, SPIES, THOMPSON, LE ROUX VAN NIEKERK and WESSELS, Col.-Cdt. COLLINS, Messrs. P. C. DE VILLIERS, DU PLESSIS, VAN COLLER, LE ROUX, MARWICK, TOM NAUDÉ, NICHOLLS, PAYN, W. H. ROOD, Col. STALLARD, Mr. STRYDOM, Maj. VAN ZYL and Mr. WESSELS.

Monday, 18th February, 1935 (at 10.30 a.m.).

## PRESENT :

The Prime Minister.	Mr. du Plessis.
The Minister of Justice.	Mr. Marwick.
The Minister of Finance.	Mr. Tom Naudé.
The Acting Minister of Native Affairs.	Mr. Nicholls.
The Minister of the Interior.	Mr. Payn.
Senator F. S. Malan.	Mr. W. H. Rood.
Senator Smit.	Col. Stallard.
Senator Thompson.	Mr. Strydom.
Col.-Cdt. Collins.	Maj. van Zyl.
Mr. P. C. de Villiers.	Mr. Wessels.

Clerk read Orders of the Senate and of the House of Assembly, dated the 15th and 14th January, 1935, respectively, appointing the Committee.

Clerk intimated that the Committee would proceed to the election of a Chairman.

On the motion of the *Acting Minister of Native Affairs*,

*Resolved* : That the *Prime Minister* be Chairman.

Clerk read Order of the House of Assembly, dated the 15th January, 1935, referring to the Committee the Report and Proceedings of the Select Committee appointed by the Joint Sitting of Both Houses of Parliament in 1930 on the Native Bills and the Reports and Proceedings of the Joint Committees of 1931, 1931-'32, 1933 and 1934 on the Representation of Natives and Coloured Persons in Parliament and Provincial Councils and the Acquisition of Land by Natives, and the Report of the Commission on the Representation of Natives and Coloured Persons in Parliament and Provincial Councils and the Acquisition of Land by Natives. [Appendix C.]

Clerk laid these documents upon the Table.

On the motion of the *Acting Minister of Native Affairs*,

*Resolved* : That the Secretary for Native Affairs and the Law Adviser of the Prime Minister's Department be given special leave to be present during the proceedings of the Committee.

The Committee deliberated.

The *Chairman* submitted a draft of the *Natives Parliamentary Representation Bill*. [Annexure A to Appendix C].

The Committee adjourned at 11.40 a.m. until Thursday, 21st February, at 10.30 a.m.

Thursday, 21st February, 1935 (at 10.30 a.m.)

## PRESENT :

The PRIME MINISTER (Chairman).

The Minister of Justice.	Mr. du Plessis.
The Minister of Finance.	Mr. Marwick.
The Acting Minister of Native Affairs.	Mr. Tom Naudé.
The Minister of Mines.	Mr. Nicholls.
The Minister of the Interior.	Mr. Payn.
Senator Hofmeyr.	Mr. W. H. Rood.
Senator F. S. Malan.	Col. Stallard.
Senator Smit.	Mr. Strydom.
Senator Thompson.	Mr. van Coller.
Col.-Cdt. Collins.	Maj. van Zyl.
Mr. de Villiers.	Mr. Wessels.



The Secretary for Native Affairs and the Law Adviser of the Prime Minister's Department were in attendance.

The Committee deliberated.

On the motion of the *Minister of Finance*,

*Resolved*: That the Committee proceed with the consideration of the Report of the Commission on the Representation of Natives and Coloured Persons in Parliament and Provincial Councils and the Acquisition of Land by Natives as modified by the recommendations of the Chairman and the Minister of Justice.

The Committee thereupon proceeded to the consideration of the draft *Natives Parliamentary Representation Bill*.

On Clause One,

After discussion,

The *Chairman* put the Clause, upon which the Committee divided:

AYES—15.

The Chairman.  
The Minister of Finance.  
The Minister of Mines.  
Senator Hofmeyr.  
Senator Smit.  
Senator Thompson.  
Col.-Cdt. Collins.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.  
Mr. Wessels.

NOES—8.

The Minister of Justice.  
The Acting Minister of Native Affairs.  
The Minister of the Interior.  
Senator F. S. Malan.  
Mr. Marwick.  
Mr. Payn.  
Mr. van Coller.  
Maj. van Zyl.

Clause accordingly agreed to.

On Clause Two,

After discussion,

The *Minister of Mines* moved: In paragraph (b) of sub-clause (2), after "the" to insert "total", and after "of" to delete "additional".

The *Acting Minister of Native Affairs* moved: In paragraph (b) of sub-clause (2) to delete "six" and to substitute "two".

The *Minister of Mines* withdrew his amendment.

*Senator F. S. Malan* moved: In sub-clause (1) to delete "four" and to substitute "five" and to add the following new paragraph (e):

"(e) The urban areas of the Union in which Native Advisory Boards have been established".

After discussion,

The *Chairman* put the question that the word "four" proposed to be deleted stand part of the Clause,

Upon which the Committee divided:

AYES—18.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator Smit.  
Senator Thompson.  
Col.-Cdt. Collins.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Payn.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.  
Mr. Wessels.

NOES—4.

The Acting Minister of Native Affairs.  
Senator F. S. Malan.  
Mr. van Coller.  
Maj. van Zyl.

Question accordingly agreed to and *Senator F. S. Malan's* amendment therefore dropped. The amendment of the *Acting Minister of Native Affairs* was put and agreed to.



Clause Two as amended, put and agreed to.

Clause Three considered and agreed to.

Clause Four considered and agreed to.

*Mr. Nicholls* moved, after Clause Four to insert the following new Clause Five :

Removal of  
colour bar in  
Act of Union  
in case of  
Senators  
representing  
natives.

5. Subject to the provisions of section *seven*, section *twenty-six* of the South Africa Act is hereby amended as follows :—

(a) By the addition at the end of sub-section (b) of the words : “ or if a native be qualified to vote in an electoral college at the election of Senators, as provided in the Native Parliamentary Representation Act, 193 ”.

(b) By the addition at the end of sub-section (d) of the words : “ except in the case of a Senator elected under the provisions of the Native Parliamentary Representation Act, who may be a British subject of non-European descent ”.

The Committee deliberated and adjourned at 12.15 p.m. until Friday, 22nd February at 10.30 a.m.

Friday, 22nd February, 1935 (at 10.30 a.m.).

PRESENT :

THE PRIME MINISTER (Chairman).

The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator F. S. Malan.  
Senator Smit.  
Senator Thompson.  
Col.-Cdt. Collins.  
Mr. de Villiers.

Mr. du Plessis.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Payn.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser of the Prime Minister's Department were in attendance.

The Committee deliberated.

On new Clause proposed to be inserted after Clause Four,

After discussion,

*Mr. Nicholls* withdrew his amendment.

Clause Five considered and agreed to.

On Clause Six,

After discussion,

The *Minister of Justice* moved : In paragraph (a) to add the following sub-paragraph :

“ (iii) The native members of the Native Advisory Boards ”,  
in paragraph (b) to add the following sub-paragraph :

“ (iv) The native members of the Native Advisory Boards ”,  
and in paragraph (d) to add the following sub-paragraph :

“ (iv) The native members of the Native Advisory Boards ”.

After discussion,

*Col. Stallard* moved : To delete the Clause and substitute the following :

Constitution of  
electoral  
colleges.

6. The electoral colleges for the various electoral areas established under section *two* shall respectively be as follows :

(a) for the electoral area of the Natal Province, the chiefs of that province ;

(b) for the electoral area of the Transvaal and Orange Free State Provinces—

(i) the chiefs in the Transvaal Province ; and

(ii) the native members of Native Reserve Boards of Management ;

(c) for the electoral area of the Transkeian Territories, the native members of the United Transkeian Territories General Council ;

(d) for the electoral area of the Province of the Cape of Good Hope excluding the Transkeian Territories—

(i) the chiefs of such tribes within the electoral area as do not fall under the jurisdiction of a local council ;

(ii) the native members of local councils ; and

(iii) headmen of locations which do not fall within the jurisdiction of a council or under the jurisdiction of a chief.

After discussion,

The *Chairman* put the amendment of the *Minister of Justice* in paragraph (a),



Upon which the Committee divided :

AYES—12.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Mr. Payn.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

NOES—9.

Senator Hofmeyr.  
Senator Thompson.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.

The amendment was therefore agreed to.

Amendment in paragraph (b) put and agreed to.

*Mr. Payn* moved : In paragraph (c) after "Territories", where it occurs for the first time, to insert the figure (i), and at the end of the paragraph to add :

"and (ii) the native members of the Native Advisory Boards".

After discussion,

*Mr. Payn* withdrew his amendment.

Amendment in paragraph (d) by *Minister of Justice* put and agreed to.

The *Chairman* put the question that the Clause, as amended, stand part of the Bill,

Upon which the Committee divided :

AYES—12.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Mr. Payn.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

NOES—9.

Senator Hofmeyr.  
Senator Thompson.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.

Question accordingly agreed to and *Col. Stallard's* amendment therefore dropped.

Clauses Seven and Eight respectively considered and agreed to.

On Clause Nine,

After discussion,

*Senator F. S. Malan* moved : At the end of the Clause to add the following new sub-clause :

"(6) If no candidate is duly nominated a further nomination shall be held".

After discussion,

Amendment put and agreed to.

Clause Nine, as amended, put and agreed to.

Clauses Ten and Eleven respectively considered and agreed to.

On Clause Twelve,

The *Minister of the Interior* moved : In sub-clause (2) after "Management" to delete "and", and after "Council" to insert "and every Native Advisory Board".

After discussion,

Amendment put and agreed to.

Clause Twelve, as amended, put and agreed to.

On Clause Thirteen,

After discussion,

The *Minister of Justice* moved : In sub-clause (1) to delete "Council on Native Affairs which shall be known as the" and after "Union" to delete "and is".

The *Minister of the Interior* moved : In paragraph (a) of sub-clause (2) to delete "who shall be Chairman and shall have a casting vote" and at the end of the paragraph to add "shall be Chairman and shall have a casting vote".

The *Acting Minister of Native Affairs* moved : In paragraph (a) of sub-clause (2) after "vote" to insert "only".

The Committee deliberated and adjourned at 12.25 p.m. until Wednesday, 27th February, at 10.30 a.m.



Wednesday, 27th February, 1935 (at 10.30 a.m.)

PRESENT :

The PRIME MINISTER (Chairman).

The Minister of Justice.	Mr. du Plessis.
The Minister of Finance.	Mr. le Roux.
The Acting Minister of Native Affairs.	Mr. Marwick.
The Minister of Mines.	Mr. Tom Naudé.
The Minister of the Interior.	Mr. Nicholls.
Senator Hofmeyr.	Mr. Payn.
Senator F. S. Malan.	Mr. W. H. Rood.
Senator Smit.	Col. Stallard.
Senator Thompson.	Mr. Strydom.
Senator le Roux van Niekerk.	Mr. van Coller.
Col.-Cdt. Collins.	Maj. van Zyl.
Mr. de Villiers.	Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser of the Prime Minister's Department were in attendance.

The Committee deliberated.

On the motion (unopposed) of the *Chairman*,

*Resolved* : That the Committee further consider Clause Seven.

On Clause Seven,

After discussion,

The *Chairman* moved : At the end of paragraph (a) of sub-clause (3) to add the following proviso :

“ Provided that in the case of Native Advisory Boards no native shall be included in the number of natives so determined unless he was, upon a date six months before the fixed day, domiciled within the area of jurisdiction of the urban local authority in respect of which such Native Advisory Board is established, and that no native shall be deemed to be domiciled within the area of jurisdiction of such urban local authority upon any particular date unless he has had his permanent home within such area during a period of not less than three years immediately preceding such date.”

After discussion,

Amendment put and agreed to.

Clause Seven, as amended, put and agreed to.

On Clause Thirteen,

The *Chairman* submitted the following new draft of Clause Thirteen :

“ Establish-  
ment of Native  
Representative  
Council.

13. (1) There shall be established a Natives Representative Council for the Union hereinafter referred to as the Council.

(2) The Council shall consist of twenty-two members and shall be constituted as follows :

(a) The Secretary for Native Affairs, or in his absence, some fit and proper person designated by the Minister of Native Affairs, who shall be Chairman and shall have a casting vote only.

(b) Five European members, who shall not have the right to vote, consisting of the Chief Native Commissioners for the electoral areas referred to in section two and the Chief Native Commissioner for the Witwatersrand.

(c) Four Native members to be appointed by the Governor-General and styled nominated members.

(d) Twelve Native members to be styled elected members and to be elected in manner following :

(i) Three members shall be elected by the electoral college for the electoral area of the Transkeian Territories.

(ii) Two members shall be elected by the electoral colleges for each of the three electoral areas of Natal, the Transvaal and Orange Free State, and the Cape of Good Hope, excluding the Transkeian Territories.



- (iii) One member shall be elected for each of the three electoral areas of Natal, the Transvaal and Orange Free State, and the Cape of Good Hope, excluding the Transkeian Territories, by the native members of the Native Advisory Boards therein.
- (e) The procedure governing the election of the Senators referred to in section three shall *mutatis mutandis* apply to the election of the members to be elected in terms of sub-section (d)."

On the motion of the *Chairman*,

*Resolved* : That this new draft be taken as a basis of consideration instead of Clause Thirteen in the draft of the *Natives Parliamentary Representation Bill*.

The amendments of the *Minister of Justice*, the *Minister of the Interior* and the *Acting Minister of Native Affairs* in the original Clause Thirteen therefore dropped.

After discussion,

*Mr. Strydom* moved : To delete the Clause and substitute the following :

“ Establish-  
ment of Grand  
Committee of  
Senate. 13. (1) There shall be established a Grand Committee (hereinafter referred to as the committee) of the Senate on native affairs.

(2) Senators elected under this Act and the four senators selected under paragraph (ii) of section *twenty-four* of the South Africa Act, 1909, shall *ex officio* be members of the committee which, in addition, shall include five other members, who shall be senators appointed by the sessional committee on Standing Orders of the Senate.

(3) Every member of the committee shall, notwithstanding any prorogation of Parliament, hold office as such until he ceases to be a senator or, in the case of an appointed member, tenders his resignation to the President of the Senate.

(4) Any Minister may attend meetings of the committee and take part in its proceedings but shall not have the right to vote unless he is a member of the committee.”

After discussion,

On the motion of the *Chairman*,

*Resolved* : To take the sub-clauses *seriatim*.

The *Chairman* put the question that sub-clause (1) : “ There shall be established a Natives Representative Council for the Union, hereinafter referred to as the Council” for which it is proposed to substitute the following sub-clause : “ There shall be established a Grand Committee (hereinafter referred to as the committee) of the Senate on native affairs” stand part of the Clause,

Upon which the Committee divided :

AYES—18.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Senator Thompson.  
Col.-Cdt. Collins.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Payn.  
Mr. W. H. Rood.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

NOES—5.

Senator Hofmeyr.  
Senator le Roux van Niekerk.  
Mr. le Roux.  
Col. Stallard.  
Mr. Strydom.

Question accordingly agreed to and *Mr. Strydom's* amendment, therefore, dropped.

Sub-clause (2) put and agreed to.

The *Chairman* put the question that the new draft of Clause Thirteen stand part of the Bill,



Upon which the Committee divided :

AYES—19.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Payn.  
Mr. W. H. Rood.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

NOES—3.

Senator Hofmeyr.  
Mr. le Roux.  
Mr. Strydom.

Question accordingly agreed to.

The Committee adjourned at 12.40 p.m. until Thursday, 28th February, at 10.30 a.m.

Thursday, 28th February, 1935 (at 10.30 a.m.).

PRESENT :

The PRIME MINISTER (Chairman).

The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.  
Mr. de Villiers.

Mr. du Plessis.  
Mr. le Roux.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Payn.  
Mr. W. H. Rood.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser of the Prime Minister's Department were in attendance.

The Committee deliberated.

Senator F. S. Malan moved the following new Clause :

" Repeal of sections 1, 2, 3, 4 and 16 of Act No. 23 of 1920, and appointment of liaison officers. (Abolition of Native Affairs Commission and Native Conferences).

14. (1) Sections *one, two, three, four* and *sixteen* of the Native Affairs Act, 1920, are hereby repealed, and as from the commencement of this Act the Native Affairs Commission referred to in section *one* of the said act shall cease to function.

(2) The Minister may appoint one or more officers with mature experience and knowledge of native affairs to act as *liaison* officers to the Council and shall by regulation determine the powers, functions and duties of the said officer or officers as the case may be."

After discussion,

The *Acting Minister of Native Affairs* moved: To delete the words "*Sections one, two, three, four* and " and to substitute "*Section*".

After discussion,

The amendment of the *Acting Minister of Native Affairs* was put and agreed to, *Senator F. S. Malan* dissenting.

The *Chairman* put the question that the new Clause, as amended, be inserted in the Bill,



Upon which the Committee divided :

AYES—3.

Senator F. S. Malan.  
Mr. le Roux.  
Mr. Strydom.

NOES—19.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Smit.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Payn.  
Mr. W. H. Rood.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

The question was therefore negatived.

On Clause Fourteen,

After discussion,

The *Minister of Mines* moved : In sub-clause (1) to delete " both Houses of Parliament " and to substitute " the Minister ", and at the end of the sub-clause to add :

" Every such report shall be laid upon the Tables of both Houses of Parliament by the Minister within fourteen days after its submission to him if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ordinary ensuing session ".

The *Minister of Mines* moved : In sub-clause (3) after " for " to insert " its ", and after " consideration " to delete " and report ".

The amendments of the *Minister of Mines* were put and agreed to.

*Senator F. S. Malan* moved to insert the following new sub-clause (4) to follow sub-clause (3) :

" It shall be the function and duty of the Council—

(a) to advise the Minister:—

(i) in the administration of the Native Development Account referred to in sections *twelve* and *thirteen* of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925) ;

(ii) any matter referred to it by the Minister ;

(b) to advise the Governor-General or the Minister of Native Affairs, as the case may be—

(i) on all matters relating to the acquisition, substitution or alienation of land vested or to be vested in the South African Native Trust referred to in section *four* of the Native Trust and Land Act, 193 (Act No. of 193 ) ;

(ii) in the administration of the South African Native Trust Fund referred to in section *eight* of the said Act (No. of 193 )."

The *Chairman* stated that he would put the paragraphs of this amendment *seriatim*.

Sub-clause (a), paragraph (i) put,

Upon which the Committee divided :

AYES—3.

The Acting Minister of Native Affairs.  
Senator F. S. Malan.  
Mr. Payn.

NOES—18.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Smit.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. le Roux.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. W. H. Rood.  
Mr. Strydom.  
Mr. van Coller.  
Mr. Wessels.



The paragraph was therefore negatived.

Sub-clause (a), paragraph (ii) put and agreed to.

Sub-clause (b), paragraphs (i) and (ii) respectively put and negatived, *Senator F. S. Malan* dissenting.

The amendment, as amended, namely :

“(4) It shall be the function and duty of the Council to advise the Minister on any matter referred to it by the Minister”,  
put and agreed to.

The *Minister of Justice* moved : In sub-clause (4), now sub-clause (5), to delete “any of the four Senators appointed under section *twenty-four* (ii) of the South Africa Act”.

After discussion,

Amendment put and agreed to.

*Senator F. S. Malan* moved : In sub-clause (5), now sub-clause (6) : After “Minister” to add “and the proceedings shall be open to the public subject to such regulations as may be framed and published by the Governor-General”.

After discussion,

The *Chairman* put the amendment,

Upon which the Committee divided :

AYES—18.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.  
Mr. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Payn.  
Mr. W. H. Rood.  
Mr. van Coller.  
Mr. Wessels.

NOES—3.

Senator Thompson.  
Mr. le Roux.  
Mr. Strydom.

Amendment therefore agreed to.

Clause Fourteen, as amended, put and agreed to.

The Committee adjourned at 12.30 p.m. until Monday, 4th March, at 10.30 a.m.

Monday, 4th March, 1935 (at 10.30 a.m.).

PRESENT :

THE PRIME MINISTER (Chairman).

The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator F. S. Malan.  
Senator Smit.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.

Mr. de Villiers.  
Mr. du Plessis.  
Mr. le Roux.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Payn.  
Mr. W. H. Rood.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser of the Prime Minister's Department were in attendance.

The Committee deliberated.

The *Chairman* submitted the following new Clause Fourteen to follow Clause Thirteen :

“Period of office and remuneration of nominated and elected members.”

14. (a) The nominated and elected members of the Council shall hold office for a period of five years.  
(b) If the office of any nominated or elected member of the Council becomes vacant before the expiry of the period for which he was appointed or elected, another person shall be appointed or elected as the case may be to hold office until the completion of the period for which the person in whose stead he is appointed or elected would have held office.



- (c) The nominated and elected members shall receive an allowance of one hundred and twenty pounds per annum, together with such travelling and subsistence allowance as may be prescribed by regulation."

After discussion,

The *Minister of Mines* moved: After "allowance" where it occurs for the last time to insert "to and from meetings of the Council".

Amendment put and agreed to.

Clause Fourteen, as amended, put and agreed to.

The *Chairman* submitted the following new Clause Fifteen:

15. The qualifications of a nominated or elected member of the Council shall be as follows: He must—
- (a) be registered as liable for the payment of the general tax under the Natives Taxation and Development Act, 1925, or otherwise be exempted from the payment of such tax by virtue of sub-section (2) of section four of that Act;
- (b) have been born within the Union, and have been domiciled therein for five years immediately preceding the date of his appointment or election and for two years immediately preceding the said date within the area for which he is appointed or elected; and
- (c) be a Union National."

After discussion,

The *Minister of Finance* moved: After "Act" at the end of paragraph (a) to add "or any amendment thereof".

The *Minister of Justice* moved: In paragraph (b) after "Union" to insert "or any territory at present forming part of the Union".

The *Acting Minister of Native Affairs* moved: In paragraph (b) after "Union" to insert "(unless specially exempted by the Governor-General)".

After discussion,

The amendments were successively put and agreed to.

Clause Fifteen, as amended, put and agreed to, *Mr. Marwick* dissenting.

The *Chairman* submitted the following new Clause Sixteen:

16. No person shall be capable of being appointed, elected or of holding office as a member of the Council who—
- (a) has been at any time convicted of any crime or offence for which he shall have been sentenced to imprisonment without the option of a fine for a term of not less than six months, unless he has received a grant of amnesty or a free pardon, or unless such imprisonment shall have expired at least five years before the date of his appointment or election.
- (b) has at any time within five years before the date of his appointment or election been removed from an urban area or proclaimed area or sent to a farm colony, work colony, refuge, rescue home or similar institution in terms of section seventeen of the Natives (Urban Areas) Act, 1923 (No. 21 of 1923), as amended or who has been the subject of any order issued under the provisions of section one (12) of the Riotous Assemblies (Amendment) Act, 1930 (No. 19 of 1930);
- (c) is an unrehabilitated insolvent;
- (d) is of unsound mind and has been declared so by a competent court".

After discussion,

Amendment made in the Afrikaans version only.

Clause, as amended in the Afrikaans version only, put and agreed to.

The *Chairman* submitted the following new Clause Seventeen:

17. If a nominated or elected member of the Council—
- (a) becomes subject to any of the disabilities mentioned in the last preceding paragraph;
- (b) ceases to be qualified as required by law;
- (c) fails to attend three successive meetings of the Council without the special leave of the Council;
- (d) dies or resigns;
- (e) becomes, in the opinion of the Minister incapable of effective service on the Council by reason of illness, infirmity or other cause;
- (f) becomes, in the opinion of the Minister, unfit by reason of misconduct or other cause to be a member of the Council;

his office shall thereupon become vacant."

After discussion,

Amendment made in the Afrikaans version only.

The *Chairman* moved: In paragraph (a) to delete "paragraph" and substitute "section", and in paragraph (c) after "fails" to insert "for a Session", after "attend" to delete "three successive meetings of" and after "Council" at the end of the paragraph to add "or without special condonation by the Governor-General".



*Mr. van Coller* moved : In paragraphs (e) and (f) in each case to delete " Minister " and substitute " Governor-General ".

After discussion,

*Resolved* : That this Clause stand over for re-drafting and for further consideration.

The *Chairman* submitted the following new Clause Eighteen, which he stated was the original Clause Fourteen as re-drafted in terms of the Committee's deliberations thereon.

" Functions,  
powers and  
duties of the  
Council.

18. (1) It shall be the function and duty of the Council to consider and report to the Minister upon—

- (a) proposed legislation in so far as it may affect the native population ;
- (b) any matter referred to it by the Minister for report ;
- (c) any matter specially affecting the interests of natives in general.

Every such report shall be laid upon the Tables of both Houses of Parliament by the Minister within fourteen days after its submission to him if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(2) The Council may recommend to Parliament legislation which it considers necessary in the interests of natives.

(3) No Bill, which in the opinion of the Minister after consultation with the Native Affairs Commission contains provisions specially affecting the interests of natives, shall be introduced into the House of Assembly or into the Senate until it has been referred to the Council for its consideration.

(4) The Council shall advise the Minister upon any further matter referred to it by the Minister for advice.

(5) Any Minister and any member of the Native Affairs Commission may attend the meetings of the Council and take part in its proceedings, but shall not have the right to vote.

(6) The Council shall meet at any time and place fixed by the Minister and its proceedings shall take place in public, subject, however, to such limitations as may be prescribed by regulation.

(7) The expenditure arising out of any meeting of the Council shall be met from money appropriated by Parliament for the purpose."

After discussion,

The *Minister of Finance* moved : To delete sub-clause (7).

Amendment put and agreed to.

Clause, as amended, put and agreed to.

On original Clause Fifteen, now Clause Nineteen,

The *Minister of Justice* moved : In sub-clauses (2) and (3) in each case to delete " Senate " and to substitute " Minister ".

After discussion,

On the motion of the *Minister of Justice*,

*Resolved* : That a sub-committee consisting of the *Minister of Finance*, the *Minister of Mines*, the *Minister of the Interior* and the *Acting Minister of Native Affairs*, be appointed to consider and submit a re-draft of this Clause in accordance with the discussion of the Committee.

The Committee adjourned at 12.20 p.m. until Wednesday, 6th March, at 10.30 a.m.

Wednesday, 6th March, 1935 (at 10.30 a.m.)

PRESENT :

The PRIME MINISTER (Chairman).

The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator F. S. Malan.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.

Mr. P. C. de Villiers.  
Mr. du Plessis.  
Mr. le Roux.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Payn.  
Mr. W. H. Rood.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee deliberated.

On new Clause Seventeen, standing over,



The *Chairman* submitted the following re-draft of the Clause in terms of the Committee's resolution of the 4th instant :—

- Vacation of office.
17. If a nominated or elected member of the Council—
- (a) becomes subject to any of the disabilities mentioned in the last preceding section ;
  - (b) ceases to be qualified as required by law ;
  - (c) fails for a whole ordinary session to attend the Council without the special leave of the Council, or without special condonation by the Governor-General ;
  - (d) dies or resigns ;
  - (e) becomes, in the opinion of the Governor-General, incapable of effective service on the Council by reason of illness, infirmity or other cause ;
  - (f) becomes, in the opinion of the Governor-General, unfit by reason of misconduct or other cause to be a member of the Council,
- his office shall thereupon become vacant.

On the motion of the *Minister of Mines*,

*Resolved* : In paragraph (c) to omit all the words after " Council ", where it occurs for the second time, to the end of the paragraph, and to substitute " or unless within one month from the end of such session his failure to attend has been specially condoned by the Governor-General."

New Clause Seventeen, as re-drafted and amended, put and agreed to.

On original Clause Fifteen (now Clause Nineteen) standing over,

The *Chairman* submitted the following re-draft of the Clause by the sub-Committee appointed for that purpose by resolution of the Committee of the 4th instant :—

- Consideration by Council of Funds to be applied for Native purposes.
19. (1) Before the commencement of each ordinary session of Parliament (or as soon as possible thereafter), the Minister shall summon a meeting of the Council and shall place before it a statement showing—
- (a) the provision it is proposed to make on the Estimates of Expenditure for the ensuing financial year in respect of—
    - (i) the moneys to be appropriated by Parliament to the South African Native Trust Fund established under the Native Trust and Land Act, 1933 ;
    - (ii) the amount to be contributed from the Consolidated Revenue Fund to the Native Development Account for the purpose of grants to the Provinces in respect of native education ; and
    - (iii) the funds to be appropriated by Parliament in the special interests of natives for any purpose other than those specified under sub-paragraphs (i) and (ii) ;
  - (b) estimates of the revenue to be derived from any other sources by the South African Native Trust Fund and the Native Development Account ;
  - (c) the Minister's proposals as to the method in which the moneys referred to in paragraphs (a) and (b) shall be allocated.
- (2) The Council shall consider and report to the Minister upon the statement and the Minister shall lay such report upon the Tables of both Houses of Parliament within fourteen days after its submission to him if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ordinary session.

The Committee deliberated.

On the motion of the *Minister of the Interior*,

*Resolved* : At the end of paragraph (ii) of sub-section (1) to omit " for the purpose of grants to the Provinces in respect of native education "

Clause, as re-drafted and amended, put and agreed to.

*Senator F. S. Malan* moved : That the following be a new Clause to follow original Clause Fifteen (now Clause Nineteen) :

20. The Council may, at the request and on the initiative of the Minister pass laws, to be called Ordinances, binding on natives only, in respect of such matters affecting only natives in the Union or any part thereof as Parliament may by law specifically authorize ; but no such Ordinance shall have any force or effect until the Governor-General has announced, by proclamation in the *Gazette*, that he has assented thereto.

After discussion, the proposed new Clause was put and negatived (*Senator F. S. Malan* dissenting).

On original Clause Sixteen (now Clause Twenty),

The *Chairman* submitted the following new draft Clause as a basis of discussion in substitution of the original Clause :—

- Regulations.
20. The Governor-General may make regulations not inconsistent with this Act in regard to any of the following matters—
- (a) the procedure to be followed in effecting determinations under sub-section (3) of section seven and in appeals to the Minister against such determinations ;
  - (b) the nomination and election of senators under this Act, the procedure to be followed thereat and any matter incidental thereto, including the appointment of returning officers ;



- (c) prescribing the procedure to be followed by the returning officer, the notification to be given by him to candidates or their agents of the time and place of any count, and the announcement and publication of the results of any election ;
- (d) the appointment, nomination and election of members of the Natives Representative Council and all matters incidental thereto ;
- (e) prescribing what shall be deemed to be corrupt and illegal practices in relation to elections under this Act and the consequences thereof ;
- (f) petitions to Court in relation to elections under this Act, the procedure to be followed and the relief which the court may grant in pursuance thereof ;
- (g) providing for meetings of the Natives Representative Council and the procedure to be adopted at such meetings ;
- (h) prescribing the procedure to be followed in submitting the recommendations of the Council to Parliament and its advice to the Minister in terms of section *fourteen*, and matters incidental thereto ;
- (i) prescribing the forms to be used in connection with determinations, elections, returns or any other proceedings under this Act ;
- (j) providing penalties for any contravention of the regulations : Provided that no such penalty (other than an electoral sanction) shall exceed a fine of fifty pounds or imprisonment for a period of twelve months or both such fine and imprisonment,

and generally for the better carrying out of any of the objects and purposes of this Act, no limitation to the generality of this provision being inferred from the specific provisions of any particular paragraph of this section.

After discussion,

On the motion of the *Minister of the Interior*,

*Resolved* : In paragraph (j) to omit “ (other than an electoral sanction) ”, and to add at the end of the paragraph “ save in the case of a penalty for the contravention of any regulation dealing with the conduct of elections.”

Clause, as re-drafted and amended, put and agreed to.

On original Clause Seventeen (now Clause Twenty-one),

The Chairman submitted the following new draft definition to be included in this Clause as a basis of discussion :—

“ Ordinary session of the Council ” shall mean the meeting of the Council referred to in sub-section (1) of section *nineteen*.

and the following re-draft of the definition of “ Voting Unit ”—

“ Voting Unit ” means any such chief, native reserve board of management, local council, headman or native advisory board as is referred to in section *six*.

On the motion of the *Chairman*,

*Resolved* : That the definitions in this Clause be taken *seriatim*.

Definition of “ chief ” put and agreed to.

On the definition of “ court ”,

On the motion of the *Chairman*,

*Resolved* : That this definition stand over for re-drafting.

Definition of “ headman ” put and agreed to.

On the definition of “ local council ”,

On the motion of the *Chairman*,

*Resolved* : That this definition stand over for re-drafting.

Definition of “ Minister ” put and agreed to.

On the definition of “ native ”,

*Senator F. S. Malan* moved : To omit paragraphs (b) and (c) of the definition.

After discussion, on the motion of the *Chairman*,

*Resolved* : That this definition stand over for examination by the draftsman.

The Committee deliberated and adjourned at 12.25 p.m. until Monday, at 10.30 a.m.

Monday, 11th March, 1935 (at 10.30 a.m.)

PRESENT :

The PRIME MINISTER (Chairman).

The Minister of Justice.

The Minister of Finance.

The Acting Minister of Native Affairs.

The Minister of Mines.

The Minister of the Interior.

Senator Hofmeyr

Senator F. S. Malan.

Senator Spies.

Senator Thompson.

Mr. P. C. de Villiers.

Mr. Marwick.

Mr. Tom Naudé.

Mr. Nicholls.

Mr. Payn.

Mr. W. H. Rood.

Mr. Strydom.

Mr. van Coller.

Maj. van Zyl.

Mr. Wessels.



The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee resumed the consideration of the draft *Natives Parliamentary Representation Bill*.

The Chairman submitted the following new draft Clause to follow original Clause Fifteen (now Nineteen) :

20. A Native Appeal Court constituted under the provisions of section *thirteen* of the Native Administration Act, 1927 (Act No. 38 of 1927) shall have special jurisdiction to hear and determine petitions in relation to elections under this Act, and to grant such relief as may be necessary in pursuance thereof, and the decision of such court shall be final and conclusive.

After discussion, on the motion of the *Chairman*,

*Resolved* : That this Clause stand over for re-drafting.

On original Clause Seventeen (now Twenty-two) standing over,

The *Chairman* submitted the following new draft definition of "court"—

"court" shall mean a Native Appeal Court constituted under the provisions of section *thirteen* of the Native Administration Act, having jurisdiction in the area wherein the office of the returning officer of the election affected by a petition is situate.

After discussion, on the motion of the *Chairman*.

*Resolved* : That this definition stand over for re-drafting.

The *Chairman* submitted the following new draft definition of "native"—

"native" means—

- (a) any member of any aboriginal race or tribe of Africa ;
- (b) any person whose father or mother is or was a native in terms of paragraph (a) ;
- (c) any person who is a descendant of a person who is a native in terms of paragraph (b) ;

but shall not include—

- (i) a person falling under paragraph (b) or (c) and born of a legal marriage contracted prior to the commencement of this Act ;
- (ii) any person who belongs to a race or ethnic group in the Union which represents the remnants of a former aboriginal race of South Africa which has ceased to exist as such race or tribe ;

Provided that any person falling under paragraphs (i) and (ii) who—

- (1) is desirous of being regarded as a native for the purposes of this Act ; and
  - (2) is by general acceptance and repute a native ; or
  - (3) follows in his ordinary or daily mode of life the habits of a native ; or
  - (4) uses one or other native language as his customary and natural mode of expression ; or
  - (5) associates generally with natives under native conditions,
- shall be deemed to be a native :

Provided further that any person falling under paragraph (b) or (c) who at the commencement of this Act is by general acceptance and repute a European or a non-native and whose parents are or were reputed Europeans or non-natives shall not for the purposes of this Act be deemed to be a native unless he so desires, but shall be deemed to be a European or a non-native as the case may be.

The *Chairman* submitted the following draft of a new Clause to be taken in conjunction with the new draft definition of "native" :—

Persons may be declared to be non-natives by resolution of both Houses of Parliament.

(1) Notwithstanding anything in this Act, any person who is a native in terms of paragraph (b) or (c) of the definition of "native" contained in this Act, may petition the Governor-General to be declared a non-native for the purposes of this Act.

(2) The Governor-General shall refer every such petition to a board consisting of a judge of the Supreme Court of South Africa and two others appointed by the Governor-General.

(3) The said board shall after enquiry into the subject of the petition make its report to the Governor-General recommending whether or not the petition should be granted.

(4) The board shall recommend the granting of any such petition only if it be shown to its satisfaction that the applicant—

- (a) is a person of repute who is held in good public esteem in the locality where he resides and by his associates ; and
- (b) is proficient in one of the official languages of the Union and is by reason of his intellectual or other attainments more akin to Europeans or other non-natives than to a native ; and
- (c) conforms in regard to his standard and habits of life to the standards of European civilisation.



(5) Every such report shall be laid upon the Tables of both Houses of Parliament within fourteen days after the date thereof if Parliament be then in session, or if not then in session, within fourteen days after the commencement of its next ensuing session, and if both Houses of Parliament pass resolutions confirming any recommendation of the said board that any applicant be declared a non-native as aforesaid such applicant shall thenceforth be deemed to be a non-native for the purposes of this Act.

After discussion, on the motion of the *Chairman*,

*Resolved*: That the draft definition and the draft new Clause stand over for further consideration.

The definitions of "Native Advisory Board" and "Native Reserve Board of Management" were put and agreed to.

The new definition of "Ordinary session of the Council" submitted by the *Chairman* on the 6th instant, was put and agreed to.

Definition of "the fixed day" put and agreed to.

The new definition of "Voting unit", submitted by the *Chairman* on the 6th instant, was put and agreed to.

On the motion of the *Chairman*,

*Resolved*: That this Clause stand over for further consideration.

On original Clause Eighteen (now Twenty-three),

*Senator F. S. Malan* moved: After "Parliamentary" to omit "Representation" and to substitute "Disfranchisement".

The *Minister of Justice* moved: After "Natives" to omit "Parliamentary".

The motion by the *Minister of Justice* was put and agreed to.

The *Chairman* then put the question that the word "Representation" proposed to be omitted stand part,

Upon which the Committee divided:

AYES—18.

The *Chairman*.  
The *Minister of Justice*.  
The *Minister of Finance*.  
The *Acting Minister of Native Affairs*.  
The *Minister of Mines*.  
The *Minister of the Interior*.  
*Senator Hofmeyr*.  
*Senator Spies*.  
*Senator Thompson*.  
*Mr. P. C. de Villiers*.  
*Mr. Tom Naudé*.  
*Mr. Nicholls*.  
*Mr. Payn*.  
*Mr. W. H. Rood*.  
*Mr. Strydom*.  
*Mr. van Coller*.  
*Maj. van Zyl*.  
*Mr. Wessels*.

NOES—2.

*Senator F. S. Malan*.  
*Mr. Marwick*.

Question accordingly affirmed and the amendment by *Senator F. S. Malan* negatived. Clause, as amended, put and agreed to.

The Committee deliberated and adjourned at 11.30 a.m. until Thursday, at 10.30 a.m.

Thursday, 14th March, 1935 (at 10.30 a.m.).

PRESENT:

THE PRIME MINISTER (Chairman).

The <i>Minister of Justice</i> .	<i>Mr. Marwick</i> .
The <i>Acting Minister of Native Affairs</i> .	<i>Mr. Tom Naudé</i> .
The <i>Minister of Mines</i> .	<i>Mr. Nicholls</i> .
The <i>Minister of the Interior</i> .	<i>Mr. Payn</i> .
<i>Senator F. S. Malan</i> .	<i>Mr. W. H. Rood</i> .
<i>Senator Spies</i> .	<i>Col. Stallard</i> .
<i>Senator Thompson</i> .	<i>Mr. van Coller</i> .
<i>Senator le Roux van Niekerk</i> .	<i>Maj. van Zyl</i> .
<i>Mr. du Plessis</i> .	

The *Secretary for Native Affairs* and the *Law Adviser*, Prime Minister's Department, were in attendance.



The Committee resumed the consideration of the draft *Natives Representation Bill*.

On Clause Twenty, standing over,

The *Chairman* submitted the following new re-draft :

What courts  
have  
jurisdiction.

20. (1) In regard to any election of Senators in terms of section *three* and any election petition arising out of such election and the proceedings thereon, the Provincial Division of the Supreme Court of South Africa having jurisdiction in the area wherein the office of the returning officer of the election affected by such election petition is situated, shall have sole jurisdiction with reference to such election petition, except that if the office of a returning officer of any election affected by any election petition is situated within the area within which the Eastern Districts Local Division of the Supreme Court exercises jurisdiction in respect of ordinary civil proceedings, that local division shall also have jurisdiction with reference to such election petition.

(2) In regard to any election of members of the Natives Representative Council in terms of paragraph (*d*) of sub-section (2) of section *thirteen*, and any election petition arising out of such election and the proceedings thereon, a Native Appeal Court constituted under the provisions of section *thirteen* of the Native Administration Act, 1927 (No. 38 of 1927), having jurisdiction in the area wherein the office of the returning officer of the election affected by such election petition is situated, shall have sole jurisdiction with reference to such election petition.

(3) (a) In regard to an appeal from the decision of any court referred to in sub-section (1) the provisions of section *one hundred and thirty-two* of the Electoral Act, 1918 (No. 12 of 1918), shall apply.

(b) The decision of a court referred to in sub-section (2) shall be final.

Discussion ensued.

The new draft Clause Twenty was then put and agreed to.

On original Clause Seventeen (now Twenty-two), standing over,

On the motion of the *Chairman*,

*Resolved* : To omit the definition of " court ".

The definition of " local Council ", standing over, was put and agreed to.

The Committee resumed the consideration of the new draft definition of " native " submitted by the *Chairman* on the 11th instant.

After discussion, on the motion of the *Chairman*,

*Resolved* : That this definition stand over for further consideration.

The Committee deliberated and adjourned at 12.10 p.m. until Monday, at 10.30 a.m.

Monday, 18th March, 1935 (at 10.30 a.m.).

PRESENT :

THE PRIME MINISTER (Chairman).

The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator F. S. Malan.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.

Mr. du Plessis.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Payn.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee resumed the consideration of the draft *Natives Representation Bill*.

On original Clause Seventeen (now Twenty-two) standing over,

The *Chairman* submitted the following new re-draft of the definition of " native "—

" native " means—

- (a) any member of any aboriginal race or tribe of Africa ;
- (b) any person whose father or mother is or was a native in terms of paragraph (a) ;
- (c) any person who is a descendant of a person who is a native in terms of paragraph (b) ;

but shall not include—

- (i) a person falling under paragraph (b) or (c) and born of a marriage as defined in section *thirty-five* of the Native Administration Act, 1927 (Act No. 38 of 1927) as amended, contracted prior to the commencement of this Act ;



- (ii) any person who belongs to a race or ethnic group in the Union which represents the remnants of a former aboriginal race of South Africa which has ceased to exist as such race or tribe :

Provided that any person falling under paragraphs (i) and (ii) who—

- (1) is desirous of being regarded as a native for the purposes of this Act ; and
- (2) is by general acceptance and repute a native ; or
- (3) follows in his ordinary or daily mode of life the habits of a native ; or
- (4) uses one or other native language as his customary and natural mode of expression ; or
- (5) associates generally with natives under native conditions ;

shall be deemed to be a native :

Provided, further, that any person falling under paragraph (b) and born prior to the commencement of this Act who is by general acceptance and repute a European or a non-native, and any person falling under paragraph (c) who is by general acceptance and repute a European or a non-native and whose parents are or were reputed Europeans or non-natives, shall not for the purposes of this Act be deemed to be a native unless he so desires, but shall be deemed to be a European or a non-native as the case may be.

The *Chairman* further submitted the following new draft definition to be included in Clause Seventeen (now Twenty-Two) :

“ non-native ” means a person who is not a native for the purposes of this Act.

The *Chairman* submitted the following consequential new sub-section to be added to Clause One of the Bill, the existing Clause One becoming sub-section (1) :

- (2) No person who at the commencement of this Act is registered as a Parliamentary voter shall merely, by reason of being a native in terms of this Act, at any future registration of Parliamentary voters be refused registration as a Parliamentary voter.

The Committee proceeded to the consideration of the new re-draft of the definition of “ native ”.

On the motion of *Senator F. S. Malan*,

*Resolved* : That the paragraphs under this definition be taken *seriatim*.

Paragraph (a), put and agreed to.

On paragraph (b),

*Senator F. S. Malan* moved : That this paragraph be omitted.

The *Chairman* put the question : That paragraph (b) proposed to be omitted stand part of the definition :

Upon which the Committee divided :

AYES—19.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.

NOES—3.

Senator F. S. Malan.  
Mr. Marwick.  
Mr. Payn.

Question accordingly affirmed and the amendment proposed by *Senator F. S. Malan* negatived.

Paragraph (b) was then put and agreed to.

On paragraph (c),

The *Minister of Mines* moved : After “ person ” to omit “ who is a descendant of a person who is ” and to substitute “ whose father or mother is or was ”.

After discussion, on the motion of the *Minister of Justice*,

*Resolved* : That paragraph (c) stand over for further consideration.

The Committee deliberated and adjourned at 12.10 p.m. until Wednesday at 10.30 a.m.



Wednesday, 20th March, 1935 (at 10.30 a.m.).

## PRESENT :

The PRIME MINISTER (Chairman).

The Minister of Justice.	Col.-Cdt. Collins.
The Minister of Finance.	Mr. du Plessis.
The Acting Minister of Native Affairs.	Mr. Marwick.
The Minister of Mines.	Mr. Tom Naudé.
The Minister of the Interior.	Mr. Nicholls.
Senator F. S. Malan.	Mr. Payn.
Senator Smit.	Mr. W. H. Rood.
Senator Spies.	Mr. Strydom.
Senator Thompson.	Mr. van Coller.
Senator le Roux van Niekerk.	Maj. van Zyl.
Senator Wessels.	Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee resumed the consideration of the draft *Natives Representation Bill*.

On original Clause Seventeen (now Twenty-two) standing over,

On the definition of "native", standing over,

The Chairman submitted the following new proviso to follow the second proviso at the end of the definition :

Provided also that the onus of proving that the parents of a person falling under paragraph (c), and referred to in the proviso immediately preceding, are not or were not reputed Europeans or non-natives shall not be on such person but shall be on any person asserting that the parents of such person are not or were not Europeans or non-natives.

The *Minister of the Interior* submitted the following re-draft of the draft definition submitted by the *Chairman* at the last meeting, framed with a view to expressing in a clearer and more concise manner the provisions contained in the draft :

"Native" means—

- (a) any member of any aboriginal race or tribe of Africa, other than a race, tribe or ethnic group in the Union representing the remnants of a former aboriginal race of South Africa which has ceased to exist as such race, tribe or group ; and
- (b) any person whose father or mother is or was a native in terms of paragraph (a) ; and
- (c) any person who is a descendant of a person who is a native in terms of paragraph (b) ; and
- (d) any other person who is desirous of being regarded as a native for the purposes of this Act, and who, because of his mode or conditions of living or his habitual use of a native language is by general acceptance and repute a native ;

but shall not include—

- (i) any person falling under paragraph (b) or (c) and born of a marriage as defined in section *thirty-five* of the Native Administration Act (Act No. 38 of 1927), as amended, contracted prior to the commencement of this Act ; or
- (ii) any person falling under paragraph (b) and born prior to the commencement of this Act who is by general acceptance and repute a European or non-native : Provided that the onus of proving that the father or mother of such person is or was not a native shall not be on him, but shall be on any person asserting that such person was a native in terms of paragraph (a) ; or
- (iii) any person falling under paragraph (c) who is by general acceptance and repute a European or non-native, and whose parents are or were by general acceptance and repute Europeans or non-natives : Provided that the onus of proving that he or his parents are or were by general acceptance and repute Europeans or non-natives shall not be on such person, but in any case where the contrary is alleged the onus of proving such allegation shall be upon the person who makes it.

On the motion of the Chairman,

*Resolved* : That the Committee accept as a basis for discussion the new re-drafted definition submitted by the *Minister of the Interior*, and that the Committee proceed to the consideration thereof.

On the re-drafted definition of "native" as submitted by the *Minister of the Interior*,

The *Chairman* moved : That in view of the re-wording of paragraph (a) the Committee revert to and rescind its resolution taken at the last meeting on that paragraph.

Agreed to.

The Committee thereupon reverted to and rescinded the said resolution.

On new paragraph (a),



On the motion of the *Chairman*,

*Resolved* : To omit " aboriginal " where it occurs for the second time ; after " race " where it occurs for the third time to insert " or tribe " ; after " race " where it occurs for the fourth time to insert " or ", and in the last line, after " tribe " to omit " or group ".

New paragraph (a), as amended, was then put and agreed to (*Senator F. S. Malan* dissenting).

On new paragraph (b),

The *Chairman* stated that this paragraph as worded had already been agreed to by the Committee at its last meeting.

On new paragraph (c),

The *Chairman* stated that, on this paragraph as worded, when the Committee adjourned on the 18th instant, there was a motion by the *Minister of Mines* to omit after " person " the words " who is a descendant of a person who is " and to substitute " whose father or mother is or was " ; and a motion by *Senator F. S. Malan* to omit this paragraph.

*Senator F. S. Malan* moved : At the end of paragraph (c) to add " and whose other parent is or was a native in terms of paragraph (a) ".

After discussion, with leave of the Committee, *Senator F. S. Malan* withdrew his amendment.

The *Chairman* then put the question that the words " who is a descendant of a person who is " proposed to be omitted stand part of the paragraph.

Upon which the Committee divided :

AYES—11.

The *Chairman*.  
The *Minister of Finance*.  
Senator *Smit*.  
Senator *Spies*.  
Senator *Thompson*.  
Senator *le Roux van Niekerk*.  
Mr. *du Plessis*.  
Mr. *Tom Naudé*.  
Mr. *W. H. Rood*.  
Mr. *Strydom*.  
Mr. *Wessels*.

NOES—11.

The *Minister of Justice*.  
The *Acting Minister of Native Affairs*.  
The *Minister of Mines*.  
The *Minister of the Interior*.  
Senator *F. S. Malan*.  
Senator *Wessels*.  
Col.-Cdt. *Collins*.  
Mr. *Nicholls*.  
Mr. *Payn*.  
Mr. *van Coller*.  
Maj. *van Zyl*.

The votes being equal, the *Chairman* gave his casting vote with the Ayes.

Question accordingly affirmed and the amendment by the *Minister of Mines* negatived.

The *Chairman* then put the question : That paragraph (c) proposed to be omitted stand part of the definition.

Upon which the Committee divided :

AYES—11.

The *Chairman*.  
The *Minister of Finance*.  
Senator *Smit*.  
Senator *Spies*.  
Senator *Thompson*.  
Senator *le Roux van Niekerk*.  
Mr. *du Plessis*.  
Mr. *Tom Naudé*.  
Mr. *W. H. Rood*.  
Mr. *Strydom*.  
Mr. *Wessels*.

NOES—12.

The *Minister of Justice*.  
The *Acting Minister of Native Affairs*.  
The *Minister of Mines*.  
The *Minister of the Interior*.  
Senator *F. S. Malan*.  
Senator *Wessels*.  
Col.-Cdt. *Collins*.  
Mr. *Marwick*.  
Mr. *Nicholls*.  
Mr. *Payn*.  
Mr. *van Coller*.  
Maj. *van Zyl*.

Question accordingly negatived, and paragraph (c) omitted.

On paragraph (d),

On the motion of the *Minister of the Interior*,

*Resolved* : To omit this paragraph and to substitute the following :

(d) Any other person not being a European who—

- (i) is desirous of being regarded as a native for the purposes of this Act ; or
- (ii) is by general acceptance and repute a native ; or
- (iii) follows in his ordinary or daily mode of life the habits of a native ; or
- (iv) uses one or other native language as his customary and natural mode of expression ; or
- (v) associates generally with natives under native conditions ;

On new paragraph (i),

The Committee deliberated.

The Committee adjourned at 12.25 p.m. until to-morrow at 10.30 a.m.



Thursday, 21st March, 1935 (at 10.30 a.m.).

PRESENT :

THE PRIME MINISTER (Chairman).

The Minister of Justice.	Senator Wessels.
The Minister of Finance.	Col.-Cdt. Collins.
The Acting Minister of Native Affairs.	Mr. du Plessis.
The Minister of Mines.	Mr. Marwick.
The Minister of the Interior.	Mr. Nicholls.
Senator Hofmeyr.	Mr. Payn.
Senator F. S. Malan.	Mr. W. H. Rood.
Senator Smit.	Mr. Strydom.
Senator Spies.	Mr. van Coller.
Senator Thompson.	Maj. van Zyl.
Senator le Roux van Niekerk.	Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee resumed the consideration of the draft *Natives Representation Bill*.

On original Clause Seventeen (now Twenty-two) standing over,

On the definition of "native" standing over,

The *Chairman* submitted the following new re-draft based on the resolutions and discussions of the Committee at its last meeting :

"Native" means—

- (a) any member of any aboriginal race or tribe of Africa, other than a race, tribe or ethnic group in the Union representing the remnants of a former race or tribe of South Africa which has ceased to exist as such race or tribe ; and
- (b) any person whose father or mother is or was a native in terms of paragraph (a) ; and
- (c) any person whose father or mother is or was a native in terms of paragraph (b) ; and
- (d) any other person not being a European who—
  - (i) is desirous of being regarded as a native for the purposes of this Act ; or
  - (ii) is by general acceptance and repute a native ; or
  - (iii) follows in his ordinary or daily mode of life the habits of a native ; or
  - (iv) uses one or other native language as his customary and natural mode of expression ; or
  - (v) associates generally with natives under native conditions ;

but shall not include—

- (i) any person falling under paragraph (b) or (c) and born of a marriage as defined in section *thirty-five* of the Native Administration Act (Act No. 38 of 1927), as amended, contracted prior to the commencement of this Act ; or
- (ii) any person falling under paragraph (b) and born prior to the commencement of this Act who is by general acceptance and repute a European or non-native : Provided that if any person asserts that the other parent (father or mother) of such person is or was also a native, the onus shall be on the person so asserting ; or
- (iii) any person falling under paragraph (c) who is by general acceptance and repute a European or non-native, and whose parents are or were by general acceptance and repute Europeans or non-natives : Provided that the onus of proving that the parents of such person are or were by general acceptance and repute Europeans or non-natives shall not be on such person, but in any case where the contrary is alleged, the onus of proving such allegation shall be upon the person who makes it.

The *Chairman* moved : That in view of the re-wording of the definition the Committee revert to paragraph (c) of the definition which was before the Committee yesterday and rescind the resolution then taken.

Agreed to.

The Committee thereupon reverted to and rescinded the resolution taken on paragraph (c).

On the proposed new paragraph (c),

*Mr. Strydom* moved : To omit this paragraph and to substitute the following :

- (c) any person who is a descendant of a person who is a native in terms of paragraph (b) ; and

The *Chairman* put the question : That the new paragraph (c) proposed to be omitted stand part of the definition,



Upon which the Committee divided :

AYES—16.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator Wessels.  
Col.-Cdt. Collins.  
Mr. Nicholls.  
Mr. Payn.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

NOES—6.

Senator Hofmeyr.  
Senator F. S. Malan.  
Senator le Roux van Niekerk.  
Mr. du Plessis.  
Mr. W. H. Rood.  
Mr. Strydom.

Question accordingly affirmed and the amendment of *Mr. Strydom* negatived.

Paragraph (c) was then put and agreed to.

On paragraph (d),

On the motion of *Mr. Strydom*,

*Resolved* : That this paragraph be transposed to follow the subsequent sub-paragraph (iii).

On sub-paragraph (i),

The Committee deliberated.

The *Chairman* put the paragraph, upon which the Committee divided :

AYES—19.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator Wessels.  
Col.-Cdt. Collins.  
Mr. du Plessis.  
Mr. Nicholls.  
Mr. Payn.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

NOES—3.

Senator F. S. Malan.  
Senator le Roux van Niekerk.  
Mr. W. H. Rood.

Paragraph (i) accordingly agreed to.

On paragraph (ii),

*Senator F. S. Malan* moved : To omit after “(b)” in the first line, the words “and born prior to the commencement of this Act”.

After discussion, the *Chairman* put the question : That the words proposed to be omitted stand part of the paragraph.

Upon which the Committee divided :

AYES—18.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Senator Wessels.  
Col.-Cdt. Collins.  
Mr. du Plessis.  
Mr. Nicholls.  
Mr. W. H. Rood.  
Mr. Strydom.  
Maj. van Zyl.  
Mr. Wessels.

NOES—4.

The Acting Minister of Native Affairs.  
Senator F. S. Malan.  
Mr. Payn.  
Mr. van Coller.



Question accordingly affirmed and the amendment by *Senator F. S. Malan* negatived.

Paragraph (ii) was then put and agreed to.

Paragraph (iii) put and agreed to.

The definition of "native" was then put and agreed to.

Definition of "non-native", standing over, put and agreed to.

Original Clause Seventeen (now Twenty-two), as amended, put and agreed to.

The Committee deliberated.

The *Chairman* moved: That the Committee revert to Clause One in order to add a new consequential sub-section arising out of subsequent amendments to the Bill, and which was submitted to the Committee on the 18th instant.

Agreed to.

On Clause One, reverted to,

The *Chairman* moved: That the original Clause One become sub-section (1) and that the proposed new sub-section submitted to the Committee on the 18th instant be sub-section (2).

Agreed to.

Clause One, as amended, put and agreed to.

On the motion of the *Chairman* the Committee proceeded to the consideration of the draft Clause dealing with persons who may be declared to be non-natives by resolution of both Houses of Parliament, which was submitted to the Committee on the 11th instant.

After discussion *Senator F. S. Malan* moved: In the first line of sub-section (1) after "Act" to insert "the Governor-General may declare"; after "Act" where it occurs for the second time to omit "may petition the Governor-General"; after "to be" to omit "declared", and to omit the remaining sub-sections.

The *Minister of Justice* moved: In sub-section (5) to omit all the words after "next ensuing session" to the end of the sub-section.

Discussion ensued.

The Committee deliberated and adjourned at 12.10 p.m. until Monday, at 10.30 a.m.

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Monday, 25th March, 1935 (at 10.30 a.m.)

PRESENT:

The PRIME MINISTER (Chairman).

The Minister of Justice.

The Minister of Finance.

The Acting Minister of Native Affairs.

The Minister of Mines.

The Minister of the Interior.

Senator Hofmeyr.

Senator F. S. Malan.

Senator Smit.

Senator Spies.

Senator Thompson.

Senator le Roux van Niekerk.

Senator Wessels.

Col.-Cdt. Collins.

Mr. P. C. de Villiers.

Mr. du Plessis.

Mr. le Roux.

Mr. Marwick.

Mr. Tom Naudé.

Mr. Nicholls.

Mr. Strydom.

Mr. van Coller.

Maj. van Zyl.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee resumed the consideration of the draft *Natives Representation Bill*.

On the new draft Clause dealing with persons who may be declared to be non-natives by resolution of both Houses of Parliament, standing over,

The *Chairman* stated that when the Committee adjourned on the 21st instant there was an amendment by *Senator F. S. Malan*, in sub-section (1) after "Act", in the first line, to insert "Governor-General may declare"; after "Act" where it occurs for the second time to omit "may petition the Governor-General"; after "to be" to omit "declared", and to omit the remaining sub-sections; and an amendment by the *Minister of Justice*, in sub-section (5) to omit all the words after "next ensuing session" to the end of the sub-section.

After discussion, the *Chairman* put the first part of *Senator F. S. Malan's* amendment.



Upon which the Committee divided :

AYES—2.

The Acting Minister of Native Affairs.  
Senator F. S. Malan.

NOES—19.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Minister of Mines.  
Senator Hofmeyr.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Senator Wessels.  
Col.-Cdt. Collins.  
Mr. P. C. de Villiers.  
Mr. du Plessis.  
Mr. le Roux.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.

The amendment consequently negived and the rest of *Senator F. S. Malan's* amendments dropped.

Sub-section (1) was then put, upon which the Committee divided :

AYES—15.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator Wessels.  
Col.-Cdt. Collins.  
Mr. P. C. de Villiers.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. van Coller.  
Maj. van Zyl

NOES—6.

Senator Hofmeyr.  
Senator F. S. Malan.  
Senator le Roux van Niekerk.  
Mr. le Roux.  
Mr. Marwick.  
Mr. Strydom.

Sub-section (1) accordingly agreed to.

Sub-sections (2), (3) and (4) were put and agreed to.

On sub-section (5),

The *Minister of Justice* moved, in the event of the amendment moved by him on the 21st instant to omit all the words after " next ensuing session " to the end of the sub-section being agreed to, that the following words be substituted :

" and it shall be the duty of the Minister to draw the attention of both Houses of Parliament to such report and unless both Houses of Parliament have by resolution passed in the same session rejected any recommendation made by the Board that any applicant be declared a non-native as aforesaid such applicant shall thenceforth be deemed to be a non-native for the purposes of this Act."

After discussion, the *Chairman* put the question : That the words proposed to be omitted stand part of the sub-section,

Upon which the Committee divided :

AYES—6.

Senator Hofmeyr.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Mr. P. C. de Villiers.  
Mr. le Roux.  
Mr. Strydom.

NOES—16.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
Senator F. S. Malan.  
Senator Smit.  
Senator Spies.  
Senator Wessels.  
Col.-Cdt. Collins.  
Mr. du Plessis.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. van Coller.  
Maj. van Zyl.



Question accordingly negatived and the words omitted.  
The words proposed to be substituted were then put and agreed to.  
Clause, as amended, put,  
Upon which the Committee divided :

AYES—18.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
Senator F. S. Malan.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator Wessels.  
Col.-Cdt. Collins.  
Mr. P. C. de Villiers.  
Mr. du Plessis.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. van Coller.  
Maj. van Zyl.

NOES—4.

Senator Hofmeyr.  
Senator le Roux van Niekerk.  
Mr. le Roux.  
Mr. Strydom.

Clause, as amended, accordingly agreed to.  
Schedule, put and agreed to.  
The Committee deliberated and adjourned at 12 noon until Wednesday at 10.30 a.m.

Wednesday, 27th March, 1935 (at 10.30 a.m.)

PRESENT :

The PRIME MINISTER (Chairman).

The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator F. S. Malan.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.

Senator Wessels.  
Col.-Cdt. Collins.  
Mr. P. C. de Villiers.  
Mr. du Plessis.  
Mr. le Roux.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee resumed the consideration of the draft *Natives Representation Bill*.

The *Acting Minister of Native Affairs* moved, as a basis of discussion, that new clauses to the following effect be embodied in the Bill :—

Provincial  
Council repre-  
sentation of  
Natives.

1. Notwithstanding anything to the contrary in any law, two members of the Provincial Council of the Province of the Cape of Good Hope shall upon a day (not being a day appointed for any general election of members of the House of Assembly or of the said Provincial Council) to be prescribed by the Administrator by proclamation be elected, one by the electoral college for the electoral area of the Transkeian Territories and one by the electoral college for the electoral area of the Province of the Cape of Good Hope, excluding the Transkeian Territories.

Provincial  
Councillors  
elected under  
this Act to be  
additional to  
those pre-  
scribed in the  
South Africa  
Act.

2. (1) The members of the Provincial Council elected in terms of the section immediately preceding shall be additional to the number of Provincial Councillors prescribed under the South Africa Act, 1909, and shall hold their seats for four years notwithstanding any later dissolution of the Provincial Council.

(2) If the seat of any Provincial Councillor elected in terms of the section immediately preceding becomes vacant, the electoral college of the electoral area represented by such Provincial Councillor shall upon a day to be prescribed by the Administrator by proclamation (not being a day appointed for any general election of members of the House of Assembly or of the said Provincial Council) choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.



Qualifications  
of Provincial  
Councillors  
under this Act.

3. (1) Any person who—  
(a) is qualified to vote for the election of members of the House of Assembly in the Province of the Cape of Good Hope ; or  
(b) but for the provisions of this Act would have been qualified to vote in terms of paragraph (a) ; or  
(c) is qualified to be elected as a member of the Natives Representative Council in terms of section *fifteen* ;  
shall be qualified to be elected as a Provincial Councillor in terms of this Act :  
Provided that such person shall prior to election have resided for two years within the electoral area for which he is a candidate.

(2) In the case of any provincial councillor elected by reason of his being qualified in terms of paragraph (a) or (b) of sub-section (1), the provisions of sections *seventy-two*, *seventy-six* and *seventy-seven* of the South Africa Act, 1909, or any amendment thereof, shall apply.

(3) In the case of any provincial councillor elected by reason of his being qualified in terms of paragraph (c) of sub-section (1), the provisions of sections *sixteen* and *seventeen* of this Act and of sections *seventy-six* and *seventy-seven* of the South Africa Act, 1909, or any amendment thereof shall apply. The provisions of section *fifty-five* of the South Africa Act, 1909, shall also *mutatis mutandis* apply.

Procedure  
governing the  
election of  
Provincial  
Councillors  
under this Act.

4. The procedure governing the election of the senators referred to in section *three* shall *mutatis mutandis* apply to the election of provincial councillors to be elected in terms of this Act.

After discussion, the *Minister of Mines* moved, as an amendment, that in lieu of the proposed new Clauses, new sub-sections to the following effect be added to Clause One of the Bill :

(3) Nothing in this section shall affect any existing right of any native to be registered as a voter at Provincial Council elections in the Cape Province, or to be elected a member of such Provincial Council.

(4) The registration of voters referred to in sub-section (3) shall take place in manner prescribed by regulation.

That the following new paragraph be added to original Clause Sixteen, dealing with Regulations :

“ Prescribing the manner in which native voters at Provincial Council elections shall be registered, and all matters incidental thereto ”.

In new Clause Eighteen, to add at the end of sub-section (1) :

“ Every such report, if it deals with matters on which the Provincial Council has power to legislate, or which are of other provincial interest, shall at the same time be transmitted to the Administrator of the Province concerned.”

And in sub-section (2) of the same Clause, after “ Parliament ”, to insert “ or to the Provincial Council as the case may be ”.

Discussion ensued.

On the motion of the *Chairman*,

*Resolved* : That the proposed amendments be referred to the draftsman to re-draft in proper form for submission to the Committee at its next meeting.

The Committee deliberated and adjourned at 12.20 p.m. until Monday at 10.30 a.m.

Monday, 1st April, 1935 (at 10.30 a.m.).

PRESENT :

The PRIME MINISTER (Chairman).

The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator F. S. Malan.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.

Senator Wessels.  
Col.-Cdt. Collins.  
Mr. P. C. de Villiers.  
Mr. le Roux.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Col. Stallard.  
Mr. van Coller.  
Maj. van Zyl.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee resumed the consideration of the draft *Natives Representation Bill*.



The *Chairman* submitted the definition of "Native", as agreed to by the Committee on the 21st March, in which there has been a re-arrangement of the wording so as to ensure greater clarity, viz. :

"Native" means—

- (a) any member of any aboriginal race or tribe of Africa, other than a race, tribe or ethnic group in the Union representing the remnants of a former race or tribe of South Africa which has ceased to exist as such race or tribe ; and
- (b) any person whose father or mother is or was a native in terms of paragraph (a) ; and
- (c) any person whose father or mother is or was a native in terms of paragraph (b) ; and
- (d) any other person not being a European who—
  - (1) is desirous of being regarded as a native for the purposes of this Act ; or
  - (2) is by general acceptance and repute a native ; or
  - (3) follows in his ordinary or daily mode of life the habits of a native ; or
  - (4) uses one or other native language as his customary and natural mode of expression ; or
  - (5) associates generally with natives under native conditions ;

but shall not include—

- (i) any person falling under paragraph (b) or (c) and born of a marriage as defined in section *thirty-five* of the Native Administration Act (Act No. 38 of 1927), as amended, contracted prior to the commencement of this Act ; or
- (ii) any person falling under paragraph (b) and born prior to the commencement of this Act who is by general acceptance and repute a European or non-native ; or
- (iii) any person falling under paragraph (c) who is by general acceptance and repute a European or non-native, and whose parents are or were by general acceptance and repute Europeans or non-natives ;

who desires to be accounted a non-native :

Provided that if any person asserts in the case of a person falling under subparagraph (ii) that the other parent (father or mother) of such person is or was also a native, the onus shall be on the person so asserting ; and provided further that in the case of a person falling under paragraph (iii) the onus of proving that the parents of such person are or were by general acceptance and repute Europeans or non-natives shall not be on such person, but in any case where the contrary is alleged, the onus of proving such allegation shall be upon the person who makes it.

The *Chairman* stated that when the Committee adjourned on the 27th March, there were certain proposed new Clauses by the *Acting Minister of Native Affairs* relating to Provincial Council representation of natives, and certain amendments by the *Minister of Mines* in lieu of the proposed new Clauses. These amendments had now been re-drafted by the draftsman to read as follows :

Proposed new sub-sections to be added to Clause One of the Bill :

(3) Notwithstanding the provisions of any law, the provisions of sub-section (1) shall not be construed as affecting the rights of any native to be registered as a voter at Provincial Council elections in the Province of the Cape of Good Hope or to be elected a member of such Provincial Council and, provided that such person is otherwise qualified to vote for the election of members of the House of Assembly in the said Province, he shall not merely by reason of being a native in terms of this Act, be refused registration as a voter at such elections.

(4) As soon as possible after the commencement of this Act, voters' lists shall be compiled in manner prescribed by regulation to be used as voters lists at elections of members of the Provincial Council of the Province of the Cape of Good Hope : Provided that the provisions of section *seventy-one* of the South Africa Act, 1909, shall *mutatis mutandis* and subject to the provisions of sub-section (3) continue to apply.

Proposed new paragraph to be added to original Clause Sixteen :

"Prescribing the manner in which voters' list shall be compiled in terms of sub-section (4) of section *one* and all matters incidental thereto".



And the following amendments to be made to Clause Eighteen :  
To add at the end of sub-section (1) :

“ Every such report, if it deals with matters on which a Provincial Council has power to legislate or which are of other provincial interest shall at the same time be transmitted to the Administrator of the Province concerned, and similarly be laid by him on the Table of the Provincial Council ”.

After the word “ Parliament ” in sub-section (2) to add “ or to a Provincial Council ” as the case may be ” ;

and in sub-section (3), after “ Commission ” to insert “ or of the Administrator concerned ” ; after “ Senate ” to insert “ or into the Provincial Council concerned ” ; and after “ Assembly ” to omit “ or into ”.

The Committee deliberated.

*Senator Thompson* intimated that in the event of the new Clauses proposed by the *Acting Minister of Native Affairs* being agreed to, he would move the following proviso :

“ Provided that if at any time after the commencement of this Act, Parliament is satisfied that the system of local native government has reached such a stage of development that all matters relating to native education (other than higher education), roads in native territories or districts, matters referred to in section *six* of the Native Affairs Act, 1920 (Act No. 23 of 1920), and any matters of a local nature and specially affecting the interests of natives, can be more effectively dealt with by local native councils than by the said Provincial Council, sections *twenty* to *twenty-three* inclusive shall be repealed and all such matters be dealt with exclusively by such local native councils or any combination of them.

and in the event of the alternative proposals by the *Minister of Mines* being agreed to, he would move the same proviso but inserting after “ Provincial Council ” and before “ shall be repealed ” the words “ sub-sections (3) and (4) of section *one* ”.

Discussion ensued.

*Mr. Nicholls* moved : After “ law ” in the second line of the first of the proposed new Clauses by the *Acting Minister of Native Affairs*, to insert “ so long as native education remains a function of the Provincial Council ”.

The Committee deliberated.

*Mr. Tom Naudé* intimated that in the event of the new Clauses proposed by the *Acting Minister of Native Affairs* being agreed to, he would move that there be included in the Bill a proviso or further Clause to the following effect :

If at any time after the commencement of this Act, native education (other than higher education), roads in native territories and hospitals for natives ceased to be matters in respect of which the said Provincial Council may make Ordinances in terms of section *eighty-five* of the South Africa Act, 1909, sections *twenty* to *twenty-three* inclusive shall be repealed.

After discussion, on the motion of the *Chairman*,

*Resolved* : That this matter be referred to the draftsman for re-drafting and submission to the Committee at its next meeting.

With leave of the Committee *Mr. Nicholls* withdrew his proposed amendment.

The *Chairman* then put the first of the amendments moved by the *Minister of Mines* to add new sub-sections (3) and (4) to Clause One.

Upon which the Committee divided :

AYES—8.

The Acting Minister of Native Affairs.  
The Minister of Justice.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Mr. van Coller.  
Mr. Marwick.  
Maj. van Zyl.

NOES—13.

The Chairman.  
The Minister of Finance.  
Senator Hofmeyr.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Senator Wessels.  
Col.-Cdt. Collins.  
Mr. P. C. de Villiers.  
Mr. le Roux.  
Mr. Tom Naudé.  
Mr. Nicholls.

The amendment accordingly negatived and the consequential amendment by the *Minister of Mines* to original Clause Sixteen consequently dropped.



## NOTE

for insertion in the Report and Proceedings of the Joint Committee on the Representation of Natives and Coloured Persons in Parliament and Provincial Councils and Acquisition of Land by Natives. (Joint Committee No. 1—1935.)

It is stated by *Senator the Rt. Hon. F. S. Malan* that the proposed new paragraph 5 to the Draft Report moved by him is incomplete as printed on page 34 and should have been recorded as follows :

“ 5. Your Committee regrets that it has not been able to deal with the *Coloured Persons' Rights Bill*. The Committee wishes, however, to place on record its conviction :

- (i) That provision will have to be made at an early date for the enfranchisement of non-Europeans throughout the Union.
- (ii) That the non-European franchise qualifications shall include :
  - (a) Monogamy.
  - (b) A standard of living.
  - (c) An educational qualification.
  - (d) One of either a property, or income, or salary or wages qualification.
- (iii) That the non-European voters shall vote on a common roll with European voters.”

R. STUTTAFORD,  
Acting Minister of Native Affairs,  
for Chairman.



The motion by the *Acting Minister of Native Affairs* for the inclusion of new Clauses was then put, and the Committee divided :

AYES—17.  
 The Chairman.  
 The Minister of Justice.  
 The Minister of Finance.  
 The Acting Minister of Native Affairs.  
 The Minister of Mines.  
 The Minister of the Interior.  
 Senator F. S. Malan.  
 Senator Smit.  
 Senator Spies.  
 Senator Thompson.  
 Senator Wessels.  
 Col.-Cdt. Collins.  
 Mr. P. C. de Villiers.  
 Mr. Tom Naudé.  
 Mr. Nicholls.  
 Mr. van Coller.  
 Maj. van Zyl.

NOES—3.  
 Senator Hofmeyr.  
 Senator le Roux van Niekerk.  
 Mr. le Roux.

The motion accordingly agreed to.

The Committee deliberated and adjourned at 12.15 p.m. until Wednesday, at 10.30 a.m

Wednesday, 3rd April, 1935 (at 10.30 a.m.).

PRESENT :

THE PRIME MINISTER (Chairman).

The Minister of Justice.  
 The Minister of Finance.  
 The Acting Minister of Native Affairs.  
 The Minister of Mines.  
 The Minister of the Interior.  
 Senator Hofmeyr.  
 Senator F. S. Malan.  
 Senator Smit.  
 Senator Spies.  
 Senator Thompson.  
 Senator le Roux van Niekerk.

Col.-Cdt. Collins.  
 Mr. P. C. de Villiers.  
 Mr. du Plessis.  
 Mr. le Roux.  
 Mr. Marwick.  
 Mr. Tom Naudé.  
 Mr. Nicholls.  
 Mr. W. H. Rood.  
 Mr. Strydom.  
 Maj. van Zyl.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

The Committee resumed the consideration of the *Natives Representation Bill*.

The *Chairman* submitted the following new draft Clause Twenty-four embodying the provisions proposed by *Mr. Tom Naudé* at the last meeting of the Committee :

When native representation in the Provincial Council shall cease.

24. If at any time after the commencement of this Act—  
 (a) native education (other than higher education); and  
 (b) hospital provision for natives; and  
 (c) roads (other than national roads, provincial main roads, and special roads declared in terms of the National Roads Act, 1935 (Act No. of 1935), and main roads established in terms of the Roads Ordinance, 1927 (Ordinance No. 21 of 1927), in the areas falling at the commencement of this Act within the jurisdiction of the Glen Grey District Council or of the United Transkeian Territories General Council,

cease to be matters in respect of which the said Provincial Council may make ordinances in terms of section *eighty-five* of the South Africa Act, 1909, sections *twenty* to *twenty-three* inclusive shall on resolution by both Houses of Parliament be repealed.

The Committee proceeded to the consideration of the proposed new Clauses submitted by the *Acting Minister of Native Affairs* on the 27th March.

The first of the proposed new Clauses, to become new Clause Twenty, was put and agreed to.

On proposed new Clause Twenty-One,

On the motion of the *Minister of the Interior*,

*Resolved* : In sub-section (1), after "shall hold their seats for" to insert "a period of"; in the same line, after "any" to omit "later" and after "Council" in the last line to add "within that period".

New Clause Twenty-one, as amended, put and agreed to.

On proposed new Clause Twenty-two,



*Mr. le Roux* moved : In sub-section (1), in the first line, after " Any " to omit " person " and to substitute " European " ; in paragraph (a) after " qualified " to omit " to vote for the election of members " and to substitute " to be elected as a member " ; after " Assembly " to omit " in the Province of the Cape of Good Hope, or " and to omit paragraphs (b) and (c).

The *Chairman* put the first part of the amendment, that the words proposed to be omitted stand part of the Clause,

Upon which the Committee divided :

AYES—16.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Senator Spies.  
Col.-Cdt. Collins.  
Mr. P. C. de Villiers.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. W. H. Rood.  
Maj. van Zyl.

NOES—5.

Senator Hofmeyr.  
Senator le Roux van Niekerk.  
Senator Thompson.  
Mr. le Roux.  
Mr. Strydom.

The amendment accordingly negatived, and the remaining amendments to paragraph (a) dropped.

Paragraph (a) was then put and agreed to.

On paragraph (b),

The *Chairman* put the question : That paragraph (b) proposed to be omitted stand part of the Clause,

Upon which the Committee divided :

AYES—19.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Senator Spies.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Col.-Cdt. Collins.  
Mr. P. C. de Villiers.  
Mr. du Plessis.  
Mr. Marwick.  
Mr. Tom Naudé.  
Mr. Nicholls.  
Mr. W. H. Rood.  
Maj. van Zyl.

NOES—3.

Senator Hofmeyr.  
Mr. le Roux.  
Mr. Strydom.

The motion accordingly negatived.

Paragraph (b) was then put and agreed to.

Paragraph (c) put and agreed to.

Sub-sections (1), (2) and (3) put and agreed to.

New Clause Twenty-two put and agreed to.

New Clause Twenty-three put and agreed to.

On new draft Clause Twenty-four.

On the motion of *Senator F. S. Malan*,

*Resolved* : At the end of the Clause to omit the words " on resolution of both Houses of Parliament " and after " repealed " to add " by Act of Parliament ".

New Clause Twenty-four, as amended, put and agreed to.

The Committee deliberated,

On the motion of *Mr. Strydom* (there being no dissentients) the Committee reverted to new Clause Twenty-one dealing with Provincial Councillors.

*Mr. Strydom* moved : To add at the end of sub-section (1) " but shall not have the right to vote in the election of Senators in terms of section *twenty-five* (ii) of the South Africa Act, 1909. Agreed to.

The *Chairman* moved : That the Committee revert to Clause Eighteen in order to effect certain consequential amendments.

Agreed to.



On Clause Eighteen, reverted to,  
The *Chairman* put the amendments to sub-sections (1), (2) and (3), (which were re-drafted and submitted on the 1st April), which were agreed to.

Clause Eighteen, as further amended, put and agreed to.

On the Clause dealing with what courts have jurisdiction, formerly Clause Twenty,

On the motion of the *Chairman*,

*Resolved*: That the following consequential amendments be made: In sub-section (1), in the second line, after "three" to insert "and of members of the Provincial Council in terms of section twenty."

On original Clause Seventeen (definitions).

On the motion of the *Chairman*,

*Resolved*: That the following new definitions be added to this Clause—

"Administrator" means the Administrator of the Province of the Cape of Good Hope.

"Provincial Council" means the Provincial Council of the Province of the Cape of Good Hope.

On the title of the Bill,

On the motion of the *Chairman*,

*Resolved*: To omit all the words after "Council" where it occurs for the second time and to substitute the following:—

"to provide for the representation of natives in the Provincial Council of the Province of the Cape of Good Hope, to prescribe what courts shall have jurisdiction to hear election petitions, and to provide for the declaration of certain persons to be non-natives and for other incidental matters."

The Committee deliberated and decided that before meeting again the provisions for inclusion in a Natives Representation Bill, as agreed upon, be formulated in Bill form and that advance printed copies of the Bill be distributed amongst the members of the Committee.

The Committee adjourned at 12.30 p.m. until Wednesday at 10.30 a.m.

Wednesday, 10th April, 1935 (at 10.30 a.m.)

PRESENT:

The PRIME MINISTER (Chairman).

The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator F. S. Malan.  
Senator Smit.  
Senator Thompson.  
Senator le Roux van Niekerk.

Mr. du Plessis.  
Mr. le Roux.  
Mr. Tom Naudé.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

The Secretary for Native Affairs and the Law Adviser, Prime Minister's Department, were in attendance.

In accordance with the decision arrived at at the last meeting of the Committee the *Chairman* submitted printed copies of the *Natives Representation Bill*, as agreed to, and which had been distributed to members of the Committee.

The Committee perused the Bill as printed and approved of certain verbal and consequential alterations.

On the motion of the *Chairman* (there being no dissentients),

*Resolved*: That the Committee revert to Clauses Thirteen, Twenty-eight, Twenty-nine and the Schedule.

On Clause Thirteen, reverted to,

On the motion of the *Chairman*,

*Resolved*: At the end of sub-paragraph (ii) of paragraph (d) of sub-section (2) to add the following proviso—

Provided that for the purposes of this sub-paragraph, the Native Advisory Boards referred to in section *six* shall be excluded as voting units from the electoral colleges referred to in this sub-paragraph.

On Clause Twenty-eight, reverted to,

On the motion of the *Chairman*,

*Resolved*: To omit the definitions of "Administrator" and "Provincial Council" and to insert the following new definitions:—

"Parliamentary Voter" means any person qualified to vote at elections of members of the House of Assembly and of any provincial council;

"list of roll of parliamentary voters" means any list of voters referred to in sections *twenty-eight* and *one hundred and forty-six* of the Electoral Act, 1918 (Act No. 12 of 1918), or any amendment thereof.



On Clause Twenty-nine,  
On the motion of the *Chairman*,

*Resolved* : To add at the end of the Clause " and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*."

On the Schedule,  
On the motion of the *Chairman*,

*Resolved* : To omit all the words in paragraph (8) after " Minister of the Interior " ; and in the third line of paragraph (9) after " senator " to insert " or member of the Natives Representative Council ", and to add at the end of the paragraph " or of any provincial councillor so elected to the Governor-General and to the Administrator of the Province of the Cape of Good Hope."

Clauses and Schedule, as finally amended, put and agreed to.

The *Chairman* submitted a draft Report as follows :—

1. Your Committee have considered the matters referred to it and more particularly the following Bills :

- (a) *The Natives Trust and Land Bill* ; and
- (b) *The Natives Parliamentary Representation Bill*.

2. Your Committee have also had before them the results of the labours of the previous Select Committees which considered the Bills from 1927 onwards, and of the Commission appointed in pursuance of a resolution of both Houses of Parliament dated the 18th May, 1932.

3. As a result of your Committee's deliberations two draft Bills have been prepared called :

(a) *The Natives Trust and Land Bill*, dealing with the acquisition of land by natives ; and

(b) *The Natives Representation Bill*, dealing with the political rights of the natives. This second Bill includes the subject matter of both the original *Representation of Natives in Parliament Bill* and the *Union Native Council Bill* which were referred to the Select Committees of former years.

4. The Government have informed your Committee that they do not intend to proceed with the *Coloured Persons Rights Bill* and that they intend during the recess to prepare an amended *Native (Urban Areas) Bill* for submission to Parliament during its next session.

5. Your Committee have therefore not considered it necessary to report further on these two latter Bills.

6. In consequence, your Committee now submits as a basis for legislation to both Houses of Parliament the two draft Bills referred to in paragraph 3, viz. :

- (a) *The Natives Trust and Land Bill* ; and
- (b) *The Natives Representation Bill*.

On the motion of the *Chairman*,

*Resolved* : That the paragraphs be taken *seriatim*.

Paragraphs 1 to 4 put and agreed to.

*Senator F. S. Malan* moved : That the following be a new paragraph to follow paragraph 4 :

5. Your Committee regrets that it is not able to deal with the *Coloured Persons Rights Bill*, but wishes, however, to place on record its conviction that provision will have to be made at an early date for enfranchisement of non-Europeans throughout the Union.

Upon which the Committee divided :

AYES—2.

The Acting Minister of Native Affairs.  
*Senator F. S. Malan*.

NOES—18.

The *Chairman*.  
The Minister of Justice.  
The Minister of Finance.  
The Minister of Mines.  
The Minister of the Interior.  
*Senator Hofmeyr*.  
*Senator Smit*.  
*Senator Thompson*.  
*Senator le Roux van Niekerk*.  
Mr. du Plessis.  
Mr. le Roux.  
Mr. Tom Naudé.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. Strydom.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.



The motion accordingly negatived.

*Col. Stallard* moved: That Paragraphs 5 and 6 be deleted.

The *Chairman* stated he could not accept a motion that Clauses be negatived. If the member objected to their being included in the Report he could record his vote against them when put.

*Mr. le Roux* moved: That the following words be added at the end of paragraph 5:  
"but recommends that legislation be introduced without delay providing for separate parliamentary representation for coloured persons in the Cape Province".

Upon which the Committee divided:

AYES—3.

Senator Hofmeyr.  
Mr. le Roux.  
Mr. Strydom.

NOES—17.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator F. S. Malan.  
Senator Smit.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Mr. du Plessis.  
Mr. Tom Naudé.  
Mr. W. H. Rood.  
Col. Stallard.  
Mr. van Coller.  
Maj. van Zyl.  
Mr. Wessels.

Amendment accordingly negatived.

Paragraph 5 was then put,

Upon which the Committee divided:

AYES—18.

The Chairman.  
The Minister of Justice.  
The Minister of Finance.  
The Acting Minister of Native Affairs.  
The Minister of Mines.  
The Minister of the Interior.  
Senator Hofmeyr.  
Senator F. S. Malan.  
Senator Smit.  
Senator Thompson.  
Senator le Roux van Niekerk.  
Mr. du Plessis.  
Mr. le Roux.  
Mr. Tom Naudé.  
Mr. W. H. Rood.  
Mr. Strydom.  
Maj. van Zyl.  
Mr. Wessels.

NOES—2.

Col. Stallard.  
Mr. van Coller.

Paragraph accordingly agreed to.

Paragraph 6 put,



Upon which the Committee divided :

AYES—18.

The Chairman.  
 The Minister of Justice.  
 The Minister of Finance.  
 The Acting Minister of Native Affairs.  
 The Minister of Mines.  
 The Minister of the Interior.  
 Senator Hofmeyr.  
 Senator F. S. Malan.  
 Senator Smit.  
 Senator Thompson.  
 Senator le Roux van Niekerk.  
 Mr. du Plessis.  
 Mr. le Roux.  
 Mr. Tom Naudé.  
 Mr. W. H. Rood.  
 Mr. Strydom.  
 Maj. van Zyl.  
 Mr. Wessels.

NOES—2.

Col. Stallard.  
 Mr. van Coller.

Paragraph 6 accordingly agreed to.

On the motion of the *Minister of Justice*,

*Resolved* : That the following be a new paragraph to follow paragraph 6 :

7. Your Committee submits the Minutes of its proceedings as well as the Minutes of the proceedings of the Committees which preceded it.

On the motion of the *Minister of Justice*,

*Resolved* : That the *Acting Minister of Native Affairs* report accordingly to the House of Assembly, and that *Senator F. S. Malan* bring up the Report of the Committee to the Honourable the Senate.

The Committee rose at 12.30 p.m.



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**APPENDIX.**

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**[A]**

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**UNION OF SOUTH AFRICA.**

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**Native Trust and Land Bill.**

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**BILL**

TO

Provide for the establishment of a South African Native Trust, to make further provision as to the acquisition and occupation of land by natives outside the areas defined by the Schedule to Act No. 27 of 1913; to amend that Act in certain respects; to determine the conditions on which natives may reside in areas in which they are prohibited from acquiring land; and for other purposes incidental to all such provisions.



# BILL

To provide for the establishment of a South African Native Trust, to make further provision as to the acquisition and occupation of land by natives outside the areas defined by the Schedule to Act No. 27 of 1913; to amend that Act in certain respects; to determine the conditions on which natives may reside in areas in which they are prohibited from acquiring land; and for other purposes incidental to all such provisions.

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:—

## CHAPTER I.

### INTRODUCTORY.

5

Act to be read with Act 27 of 1913.

Released areas.

1. This Act shall be read as one with the Natives Land Act, 1913 (Act No. 27 of 1913), hereinafter referred to as the "principal Act".

2. (1) The areas defined in the First Schedule to this Act, as amended in accordance with the provisions of sub-section (2), shall, together with such land referred to in paragraphs (c) and (d) of sub-section (2) of section ten as may from time to time be acquired by the Trust or by a native, be released areas.

(2) The Governor-General may from time to time, whenever he considers it in the public interest so to do, by proclamation in the *Gazette* excise from any released area such land, other than land held by the Trust, as may be defined in such proclamation: Provided that land likewise defined by proclamation of at least an equivalent pastoral or agricultural value shall be added to the released area in substitution for any land so excised.

3. The Governor-General may, by proclamation in the *Gazette*, include in the Schedule of native areas under the principal Act land in a released area which has been acquired by and transferred to a native.

Land in released area may be declared scheduled native area under certain circumstances.

*Yes, but land under bush  
water system is more the  
equivalent of land reservation to a  
running river,  
certainly not to natives.*

## CHAPTER II.

### SOUTH AFRICAN NATIVE TRUST.

Establishment of South African Native Trust.

4. (1) A corporate body, to be called the South African Native Trust, hereinafter referred to as the Trust, is hereby constituted with perpetual succession and power to sue and be sued in its corporate name and, subject to the provisions of this Act and any regulations framed thereunder, to do all such acts and things as bodies corporate may lawfully do.

(2) The Trust shall, in a manner not inconsistent with the provisions of this Act, be administered for the settlement, support, benefit, and material and moral welfare of the natives of the Union.

(3) The affairs of the Trust shall be administered by the Governor-General as Trustee with power, subject to the provisions of this Act, to delegate any of his powers and functions as Trustee to the Minister.

Merger of former native trusts in South African native Trust.

5. (1) As from the commencement of this Act the Natal Native Trust and the Zululand Native Trust (hereinafter referred to as the former trusts) shall be merged in the Trust and administered by the Trustee.

(2) The assets and liabilities of the former trusts shall upon the commencement of this Act become assets and liabilities of the Trust.

(3) All the property, movable and immovable, of the former trusts shall upon the commencement of this Act vest without payment of transfer duty, stamp duty or any other fee or charge in the Trust, but subject always to any existing charge, obligation or trust on or over such property or otherwise lawfully affecting the same.

55



(4) The Registrar of Deeds shall upon production to him of the title deed of any immovable property referred to in sub-section (3) endorse the same to the effect that the immovable property therein described is vested in the Trust and make the necessary entries in his registers and thereupon the said title deed shall serve and avail for all purposes as the title deed of the Trust to the said property.

6. (1) There shall be vested in the Trust—

Crown land in certain areas to vest in South African Native Trust.

- (a) all Crown land which has been reserved or set aside for the occupation of natives;
- (b) all Crown land within the scheduled native areas, and all Crown land within the released areas.

*Very good*

(2) For the purposes of sub-section (1) Crown land shall not include any such land—

- (a) which has been reserved for public purposes so long as it remains so reserved; or
- (b) which is legally held or occupied by a person other than a native at the commencement of this Act and for so long as it continues to be so held or occupied.

7. (1) The Trustee may appoint an advisory board in respect of each of the provinces or for any other area which the Trustee may constitute for the purpose.

Establishment of Trust Advisory Boards.

(2) Each board shall consist of an officer of the Native Affairs Department, who shall be chairman, and two persons (one of whom shall be a native) appointed by and holding office during the pleasure of the Trustee.

(3) A board appointed for any area under this section shall advise the Trustee upon the acquisition, disposal and development of land within that area and shall perform such other functions as the Governor-General may by regulation prescribe.

(4) Each member of a board, not being an officer in the public service, may be paid from the funds of the Trust such reasonable expenses for travelling and subsistence while engaged upon the business of the Trust as the Trustee may determine.

*A big responsible job open to much bribery & corruption if they are not very careful. A nice job for fools. No salary*

8. The Trustee shall establish and administer for the purposes of the Trust a fund, to be known as the South African Native Trust Fund and hereinafter referred to as the fund, into which shall be paid—

The trust fund.

- (a) such moneys as Parliament may specially appropriate to the fund;
- (b) all fees paid in respect of permissions to prospect granted under paragraph (a) of sub-section (1) of section *twenty-two*;
- (c) the moneys payable by the Treasury under sub-section (3) of section *twenty-two*;
- (d) any sums derived by the Government under any law relating to minerals from licences for claims or stands on land held by natives or by the Trust;
- (e) any sums paid by persons other than natives as quitrent on land in a scheduled native area;
- (f) all fines recovered in respect of contraventions of the principal Act and of this Act or any regulations framed under these Acts;
- (g) all rents, profits and considerations paid by any person in respect of land held by the Trust;
- (h) all moneys acquired by the Trust from any source whatsoever.

*? How much & will it be over a series of years? The whole Act largely depends on this.*

*How about farms taken as farms owned by natives?*

*e.g. Crown lands rents on lease from Spain by natives in Released areas go to the Trust. This is good.*

9. (1) The fund shall, in accordance with the provisions of this Act and with such regulations as may from time to time be made under section *forty-five*, be utilized for the following purposes—

Uses to which the trust fund may be put.

- (a) to defray such costs of the administration of the Trust and such local expenditure as the Minister may determine;
- (b) to acquire land for the objects of the Trust;
- (c) to develop land, the property of the Trust;
- (d) to advance the agricultural and pastoral interests of natives in scheduled native areas, released areas, or on land held by or from the Trust;
- (e) to make advances to natives or to native tribes or communities occupying land within the scheduled native areas or released areas or holding land from the Trust, for the better development of the holdings of such natives or of the areas occupied by such tribes or communities; and
- (f) generally to assist and develop the material, moral and social well-being, of natives residing on land within the said areas or on land held by or from the Trust.

*side line 55 sub.*

*small amount*

*side line 12 supra.*



*i.e. each Province separate account*

(2) A separate account of the revenue and expenditure of the fund shall be kept in respect of each area for which a board has been appointed under section seven.

CHAPTER III.

SPECIAL PROVISIONS REGARDING THE ACQUISITION, TENURE AND DISPOSAL OF LAND BY THE TRUST AND BY NATIVES, AND MATTERS RELATING THERETO.

Acquisition of land by the Trust.

10. (1) Subject to the provisions of this section, the Trust may from time to time acquire land for native settlement and generally for the carrying out of the provisions of this Act until the land so acquired, together with any land in a released area vested in the Trust under paragraph (b) of sub-section (1) of section six, shall be seven and one-quarter million morgen in extent, that is to say—

*How much of the seven & a quarter million has already been bought by natives? Certainly a good deal in the Transvaal*

- (a) in the Province of the Transvaal 5,028,000 morgen; 15
- (b) in the Province of Natal 526,000 morgen;
- (c) in the Province of the Orange Free State, 80,000 morgen;
- (d) in the Province of the Cape of Good Hope, 1,616,000 morgen. 20

*and no more? A good deal already bought*

(2) No land may be acquired by the Trust other than land—

- (a) within a scheduled native area; or
- (b) within a released area; or
- (c) adjacent to land in a scheduled native area or in a released area if such land be owned by the Trust or by a native; or
- (d) adjacent to such land as may have been acquired by the Trust under paragraph (c).

(3) In computing the extent of land acquired by the Trust for the purposes of sub-section (1)—

- (a) land in a scheduled native area as existing at the commencement of this Act, land vesting in the Trust under the provisions of section seventeen and land which having been held by the Trust reverts to the Crown or is alienated to any person other than a native shall not be taken into account; 35
- (b) all land acquired by natives after the commencement of this Act outside a scheduled native area as existing at the commencement of this Act, otherwise than under the provisions of section seventeen, shall be deemed to have been acquired by the Trust. 40

*2 Much land in Transvaal has been bought by natives & registered to the Ministry of Native Affairs in trust for the buying tribes.*

Acquisition by natives of land in certain areas.

11. (1) As from the commencement of this Act the restrictions imposed by paragraph (a) of sub-section (1) of section one of the principal Act on a native entering into an agreement or transaction described in that paragraph shall cease to exist in respect of such land as it would be lawful for the Trust under the provisions of section ten to acquire. 45

(2) Notwithstanding anything in this section or in any other law no company or other corporate body in which a native has or natives have a controlling interest and no association, syndicate, partnership, aggregation or number of natives in excess of six, other than a recognized tribe, shall acquire land save with the written permission of the Governor-General and subject to such procedure as he may prescribe. Any agreement or transaction entered into in contravention of this sub-section shall be null and void. 55

(3) A recognized tribe means a tribe or portion thereof which the Governor-General may from time to time constitute or declare to be such under any law. 60

(4) Notwithstanding any provision in any grant or deed relating to any such land as is referred to in paragraph (a), (b), (c) or (d) of sub-section (2) of section ten which prohibits or restrains the alienation of such land to a native or its occupation by a native, such land may be dealt with in terms of this Act as if such provision had not been embodied in such deed. 65

*If land is registered already to give prior to the Act, and one owner dies subsequent to the Act, how about his heirs?*

*Good. but wants watching as tribes are constantly breaking away from the main groups in the same manner as religious sects & forming themselves into little separate "tribes" or religious. All Bantuism tendency throughout history has been to break away & form a new small tribe.*

Restrictions upon acquisition of isolated land in certain areas.

12. (1) Except with the approval of the Governor-General—

- (a) no person other than the Trust or a native shall acquire land in a released area from a native if such land be wholly surrounded by land held by a native or natives or by the Trust, whether the last-mentioned land is held individually or in communal tenure; and 70



(b) notwithstanding anything in section eleven or in any other law, no native shall acquire land outside a scheduled native area from a person other than a native if such land be wholly surrounded by land held by persons other than natives.

5

(2) In approving of any transaction under sub-section (1) the Governor-General may impose such conditions as to matters incidental to the occupation of land as he may deem fit.

(3) Any person who fails to comply with or contravenes any condition prescribed under sub-section (2) shall be guilty of an offence.

13. (1) For the purpose of the acquisition of land by the Trust as in section ten provided, the Trustee may expropriate any such land as is referred to in paragraph (a), (b), (c) or (d) of sub-section (2) of that section.

Expropriation of land for certain purposes.

(2) The Governor-General may expropriate any land owned by a native outside a scheduled native area and a released area whenever he deems it desirable in the interests of public health or welfare.

(3) The expropriation of land under sub-section (1) or sub-section (2) shall be deemed to be for public purposes and, subject to the terms of section fifteen, the provisions of the Expropriation of Lands and Arbitration Clauses Proclamation No. 5 of 1902, of the Transvaal, shall apply in respect of any such expropriation.

I have seen land expropriated by S.A. Railways at extremely low price & contrary to wishes of tribes, under Part 5/02 Transvaal.

Imposing all the money on such land at once it will cost a pretty penny in a lump sum ? millions.

14. (1) The Trust may be required by any European owner to purchase any of his land situate within a scheduled native area or a released area: Provided it is proved to the satisfaction of the Minister that such land cannot be sold at a reasonable price in consequence of its having become wholly surrounded by land in native ownership or occupation as the result of the operation of this Act.

Rights of European owner surrounded by trust or native land.

This is where land speculators have a glorious evening. They can buy at about 3/- now before the Act, & after the Act, purchase will be 2/1 or more, &

(2) In default of agreement upon the purchase price of such land between the Trust and the owner thereof the matter shall be dealt with as if it were an expropriation under section thirteen.

15. The compensation to be paid to any person whose land is expropriated under the provisions of sub-section (1) of section thirteen and the price to be paid by the Trust for land which it is required to purchase under section fourteen shall not be increased or diminished merely by reason of the operation of the principal Act or of this Act and any value computable by reason of the existing or potential occupation of such land by natives shall not be taken into account in determining the value thereof.

Certain factors not to be taken into account in computing the value of land for the purposes of sections 13 and 14.

spite of 3/15. Note also 'Slabbert' case which is not an isolated instance.

16. Notwithstanding anything in any other law where land is held jointly or in undivided shares by any association, aggregation or number of natives in excess of six, other than a recognized tribe, it shall be lawful for the majority of the co-owners acting with and subject to the approval of the Governor-General and subject to such conditions as he may prescribe to sell, transfer, lease, exchange, hypothecate, or otherwise deal with or dispose of the said land.

Special provisions regarding land owned jointly by natives.

Good, I think! It is, of course, impossible to get more than one agreement.

17. (1) Whenever land is owned by a native and the Trustee is satisfied that the owner is desirous of exchanging such land for land the property of the Trust and has duly consented to the exchange, he may agree to and effect such exchange.

Exchange of native-owned land under certain circumstances.

(2) Land alienated by a native under the provisions of sub-section (1) shall—

(a) if situate within an area in which the Trust may acquire land under this Act, vest in the Trust; and

(b) if situate outside such an area, revert to the Crown: Provided that the value of any land reverting to the Crown under this section, as assessed by the Minister, shall be paid to the fund out of moneys provided by Parliament.

e.g. Broomplants and Aapindorndaan in the Boshu District but there will be no suitable or convenient land inside the Boshu area on which to place them

18. (1) Save as is otherwise in this section or elsewhere in this Act provided, all land vested in or acquired by the Trust shall be held for the exclusive use and benefit of natives: Provided that, with the consent of Parliament signified by resolutions of both Houses, the Governor-General may resume any such land required for public purposes, subject to the payment of compensation to any native for any damages sustained by him by reason of such resumption.

Special provisions regarding alienation of trust land.

? for a big white irrigated scheme money does not compensate for loss of land



(2) The Trustee may, in accordance with regulations to be prescribed under section *forty-five* or in special cases on such conditions as he may deem fit, grant, sell, lease or otherwise dispose of land the property of the Trust to natives.

? without the consent of the natives concerned.

(3) With the approval of Parliament signified by resolutions of both Houses the Trustee may for the support, advantage or well-being of natives or purposes connected therewith, grant, sell, exchange, lease or otherwise dispose of land the property of the Trust to persons other than natives.

(4) The Trustee may, in accordance with regulations to be prescribed under section *forty-five* authorize the grant to or occupation by any person, board of trustees, educational authority or religious body for church, school or mission purposes of such areas of land the property of the Trust as he may deem necessary: Provided that no grant of any extent greater than two morgan shall be made without the consent of Parliament signified by resolutions of both Houses.

They may like 2 water morgan, the only 2 on the farm with a spring of water. I have known R.C. Church try to do this & I stopped that little farm on this occasion.

(5) An annual quitrent, to be payable to the Trust, may be imposed as a condition of any grant or sale of land under the provisions of sub-section (2).

20 is safer & better

(6) Transfer duty shall not be payable in respect of the grant, transfer or lease to a native of land the property of the Trust unless the extent of such land is in excess of ten morgan.

(7) Notwithstanding anything in the Deeds Registries Act, 1918 (Act No. 13 of 1918), or in any other law any transfer of land from the Trust may be effected by deed of grant under the hand of the Trustee.

These water servitudes always give rise to trouble about persons.

(8) Nothing in this Act shall be construed as in any manner prohibiting any person from claiming, acquiring or holding over Trust land any such servitude as under Chapter VII. of the Irrigation and Conservation of Waters Act, 1912, or any amendment thereof, he may be entitled to claim, acquire or hold.

Exemption of Trust from payment of certain fees, charges and dues.

19. (1) Notwithstanding the provisions of any law relating to transfer, stamp or any other duty upon the transfer of land or the execution of deeds in connection therewith, the Trust shall be exempt from the payment thereof and all land acquired by the Trust may be registered in its name in the same manner as if the Trust were the Crown.

How about quitrent on farms already acquired by natives in these released areas? Must they still continue to pay?

(2) Notwithstanding the provisions of any law or the conditions of any title deed, quitrent shall not be payable by the Trust.

Land vested in Trust or held by natives from Trust deemed to be native areas for certain purposes.

20. (1) All land held by the Trust or occupied or held by any native under right or title derived from the Trust shall be deemed to be native areas for the purposes of sub-section (1) of section *twenty-five* of the Native Administration Act, 1927 (Act No. 38 of 1927), and of section *five* of the Native Affairs Act, 1920 (Act No. 23 of 1920), or any amendment thereof.

(2) The provisions of section *six* of the Native Administration Act, 1927 (Act No. 38 of 1927), or any amendment thereof shall apply to all land occupied or held by any native under right or title derived from the Trust.

Special provisions as to fencing.

21. (1) Any land acquired—

- (a) outside a scheduled native area by the Trust or by a native from a person other than a native; or
(b) in a released area by a person other than a native from a native,

shall be subject to the conditions and provisions as to fencing set out in Part I. of the Second Schedule to this Act.

(2) (a) In the circumstances described in Part II. of the Second Schedule to this Act and subject to the provisions of that part of that Schedule the Minister may require the owner or the Trust as the case may be to fence such land as is therein referred to or any portion thereof and any provisions of Part II. of the said Schedule as to maintenance and repair of such fence may be enforced against the successor in title of such owner.

(b) Any person who fails to comply with any requirement of the Minister under this sub-section shall be guilty of an offence.

(3) Any expenditure incurred by the Trust in respect of the erection and maintenance of fencing, which is not recoverable from an adjoining holder, together with interest thereon—

For penalty vide Act-27/1912 S 5



(a) may in the case of land owned by the Trust be recovered from the occupiers of that land;

(b) shall in the case of land owned by a native be recoverable from the owner thereof or his successor in title.

5

(4) The Governor-General may, by proclamation in the Gazette, from time to time rescind or amend any provision of the Second Schedule to this Act.

(5) Every proclamation issued under sub-section (4) shall as soon as possible be laid before both Houses of Parliament and shall lapse if both Houses so resolve; but such lapsing shall not derogate from anything done under the proclamation.

? This is wide & vague & you never know where you are.

22. (1) Notwithstanding anything in any other law, the following provisions shall apply in respect of minerals on land held by the Trust, on land in a scheduled or released area the mineral rights of which are held by the Crown and on land owned by a native:

15

Prospecting or mining in scheduled native areas, released areas and on land held by the Trust or by natives.

(a) No person shall prospect for minerals on such land without the written permission of the Minister. For such permission such fee shall be payable as may be prescribed by regulation.

20

(b) No such land shall be proclaimed as a public digging or as a mine without the prior consent of the Minister, who, should he consent to such proclamation, may impose such conditions as he may deem necessary or desirable for preserving the continued or future use by natives of the surface of such land; any condition so imposed shall be embodied in such proclamation.

25

as platinum mines in certain areas Mines which are entitled to tertiary use of water, always try to prevent it from those entitled to primary & secondary use of it.

(c) For the purposes of this section and of section eight minerals shall be deemed to include all metals and ores of metals, precious or base, precious stones, and all clays, stones, earths, coals, oils or other mineral substances of whatever nature which may be dug or extracted or separated from the ground.

30

Does this cover Antonic Goulard Cement? Marble?

(2) The provisions of this section shall not apply to land the mineral rights to which are not held by the Crown, the Trust, or by natives.

(3) Two-thirds of any moneys payable by law and paid to the Government in respect of any licence to prospect, dig or mine on any land in a scheduled native area or in a released area or on land held by or from the Trust or owned by a native shall be paid over by the Treasury to the fund.

40

Companies still retain their mineral rights on farms already sold to natives.

Why not the whole lot?

(4) Save as is otherwise provided in this section, the Trust shall in respect of the mineral rights on land held by it be in the same position as any private owner.

45

23. (1) Save with the written permission of any person acting under the authority of the Trustee or in accordance with such regulations as may from time to time be prescribed under section forty-five, no person other than a native shall reside or be, or carry on any profession, business, trade or calling upon land—

50

Restrictions as to residence in certain areas of persons other than natives.

(a) held by a native or natives in any scheduled native area or released area; or

55

(b) held by the Trust or by a native or natives from the Trust:

Provided that no person who at the commencement of this Act is lawfully residing or carrying on a profession, business, trade or calling upon such land shall be prohibited from or restricted in continuing his residence, profession, business, trade or calling by reason merely of the provisions of this sub-section.

60

(2) Any person acting in contravention of sub-section (1) shall be guilty of an offence and in addition to any other penalty to which he may be liable may be removed from such land by a member of the police under warrant issued by the magistrate.

65

(3) No licence to carry on any profession, business, trade or calling in any scheduled native area or on land held by the Trust or a native in a released area shall be issued or renewed save with the permission of the Minister first obtained, who may grant or refuse permission for the issue of any licence or any renewal thereof. A certificate under the hand of the Secretary for Native Affairs shall be conclusive proof of such grant or refusal.

70

Good, but how about hawkers? Hawkers are useful to keep down prices of articles who force a sale or to keep up prices. I am all in favour of hawkers.



CHAPTER IV.

RESIDENCE OF NATIVES ON LAND IN CERTAIN AREAS.

Application of Chapter IV.

24. (1) The provisions of this Chapter shall not save as hereinafter provided apply in respect of any land within a scheduled native area or within a released area and shall not come into operation in respect of any land to which they have not been applied as hereinafter provided. 5

(2) The Governor-General may by proclamation in the Gazette—

- (a) declare any provision of this Chapter to be applicable in respect of any land within a released area if a person other than a native is the holder thereof; 10
- (b) declare any provision of this Chapter to be applicable to any area defined in such proclamation outside a scheduled native area or a released area; 15
- (c) notwithstanding the issue of any proclamation in terms of paragraph (a) or (b) suspend the operation of this Chapter or any provision thereof within any area defined in the proclamation for such period and on such conditions as he may determine. 20

Land subject to this Chapter may not be occupied by natives except under certain circumstances.

25. (1) A native shall not, save as is excepted in this section, reside upon land subject to the provisions of this Chapter in terms of section twenty-four unless he is—

- (a) the registered owner of such land; or 25
- (b) a servant as hereinafter defined; or
- (c) registered as a labour tenant under this Chapter; or
- (d) registered as a squatter under this Chapter; or
- (e) otherwise exempted from the prohibitions contained in this Chapter. 30

(2) The putative wife or the child, not being a male over the age of twenty-one, of any such registered owner, or of any such servant, or of any such registered labour tenant or of any such squatter or any member of his family actually dependent upon him for support shall not fall within the prohibitions of sub-section (1). 35

(3) Any native who is lawfully occupying or residing on Crown land and who is not a lessee or otherwise authorized to be thereon shall be deemed to be a squatter on such Crown land and shall have his name registered as provided in this Act. 40

(4) Any native who contravenes any provision of this section and any person who permits such a contravention shall be guilty of an offence.

(5) Any native convicted of an offence under sub-section (4) or in respect of whose residence upon land any other person has been convicted of an offence under that sub-section may be summarily removed from the land upon which he is resident by a member of the police under warrant issued by the magistrate. 45

26. (1) No native shall be deemed to be a labour tenant under this Chapter unless he has been registered in manner prescribed by regulation in the register of labour tenants kept by the native commissioner of the district in which is situate the land upon which such native resides. 50

(2) The native commissioner of every district shall keep, in manner prescribed by regulation, a register of labour tenants resident in such district. 55

(3) Upon the application of any owner of land situate within the district and the payment by such owner of a registration fee of sixpence for every native whom he desires to have registered as a labour tenant the native commissioner shall register such native as a labour tenant in respect of the land of such owner in the said register. 60

(4) The native commissioner shall allow any person to inspect the register at all reasonable times free of charge. 65

Labour tenants control boards.

27. (1) The Minister may from time to time appoint in any district outside the Province of the Cape of Good Hope in which labour tenants reside a board, to be called the Labour Tenants Control Board, consisting of the Secretary for Native Affairs or an officer of the said department, who shall be chairman, and two landowners resident in such district actually carrying on farming operations. In the Province of the Cape of Good Hope every divisional council in respect of the area within its jurisdiction, and where no divisional council exists the magistrate of the district, shall perform the functions of such board under this Act. 70 75

*vide § 46 definition of dependent*

*Penalty Act 27/1912 § 5*

*Must show he works back again, registered permit, better if you have to allow all an agent.*

*= native constable who may himself be drunk at the time. They are not all angels. Better make it white members of police*

*Difficult to get landowners attend meetings. They always have some excuse. It all falls on a busy official.*



(2) There may be paid to each member of any such board, not being an officer in the public service, his reasonable expenses for travelling and subsistence while engaged upon the business of the board out of moneys appropriated for the purpose by Parliament.

*They are whales at claiming expenses.*

28. (1) The native commissioner of any district may, and if instructed thereto by the Minister or if requested in writing by six or more owners of land situate in the district, shall by notice in writing call upon any owner in respect of whose land labour tenants are registered in such district to appear before the board on a date and at a place specified in such notice to show cause why the number of labour tenants registered in respect of his land within such district shall not be reduced on the ground that there are more labour tenants registered in respect of the land of such owner than are actually and bona fide required for the working of any land held by him or for domestic services or in or about farming operations or in any industry, trade, business or handicraft carried on by such owner.

Duties and functions of the board.

*I don't like this. A good master gets plenty of labour & this enables bad masters who are jealous, to force natives to go to them & be badly treated. Sudon.*

(2) Upon the day and at the place specified in the notice aforesaid or on any day to which the board may postpone the hearing any owner upon whom such notice has been served shall appear before the board, and show cause as aforesaid or submit to the order of the board.

(3) The board shall after enquiry determine the number of labour tenants required by such owner for the purposes mentioned in sub-section (1), and, if there are more labour tenants registered in respect of the land held by such owner in the district than the number so determined by the board, the board may order that the number so registered be reduced; and may determine a period of time, not exceeding twelve months after the date of such order, within which such reduction shall take effect, and thereupon such owner shall take such steps as may be lawful and necessary to effect the removal within such period of so many of the labour tenants resident on his land as exceed the number so determined by the board.

*Iron devils!*

(4) No owner in respect of whose land in any district any determination has been made as aforesaid and is in force shall at any time have a greater number of labour tenants registered in respect of such land than the number determined by the board under sub-section (3): Provided that the board may from time to time and on the application of such owner after enquiry rescind or vary its order for good cause shown.

*No matter how progressive he is or how his farming operations might otherwise expand!*

(5) A copy of any order made by the board under this section shall be transmitted by the chairman to the native commissioner of the district in which the land in respect of which the order is made is situate, and such native commissioner shall note the terms of such order in the relevant entry in the register of labour tenants.

(6) Any resolution passed by a majority of the members of the board shall be regarded as the order of the board.

*This makes it worse. The official can be outwitted by his ignorant farmer with political bias against their neighbours. eg. at Settlement the Native Dis.*

*Old Dutch Squatters Law*

29. (1) In making any determination under section twenty-eight, the board shall presume unless and until the contrary is proved that five labour tenants are required by any owner for the purposes mentioned in sub-section (1) of that section, and for the purposes of its determination it shall be presumed that every labour tenant is engaged to render services for at least six months in every calendar year.

*Presumption in regard to adequate number of labour tenants: licensing of excess.*

(2) In addition to the registration fee provided for in sub-section (3) of section twenty-six, every owner in respect of whose land in any district more than five labour tenants are registered shall, even if in terms of any determination by the board in respect of such land, he is entitled to registration of more than five labour tenants in respect of such land, obtain a licence from the native commissioner of such district for every labour tenant exceeding five registered in respect of such land.

*Does this mean 6 calendar months or 6 tickets of 30 days each. Are the months consecutive or are the days filled in as required by the farmer then spreading it over the whole year & the native never knows from day to day when he will be required?*

(3) The native commissioner shall issue such licence against payment by the owner of a licence fee of sixpence and shall note the fact of such issue against the relevant entry in the register of labour tenants: Provided that to every owner in respect of whose land more than ten labour tenants are licensed during any year every licence in excess of ten shall be issued free of charge.

*Farmers always want to claim more of labour for days alleged to be done for previous year.*

(4) Every such licence, whenever issued, shall expire on the thirtieth day of June next succeeding but shall, on payment of the licence fee by the owner, be renewed by the native com-



This Chapter is retrograde & they might just as well go back to the old vootrekker indenture & slavery.

missioner for a period of one year unless proceedings under section twenty-eight are pending for the reduction of the number of labour tenants registered in respect of the land of such owner.

(5) No labour tenant shall be registered or licensed under this Act if such registration or licensing would be in conflict with any determination of the board.

Application of masters and servants laws to owners and labour tenants.

30. The provisions of the law in force relating to masters and servants in any province shall in so far as they are not inconsistent with the provisions of this Chapter apply *mutatis mutandis* to owners and labour tenants registered in that province, as if the owner were the master and the labour tenant the servant; and whenever, under a written contract lawfully entered into between an owner and labour tenant, a dependant of a labour tenant is to reside on the owner's land and work thereon, or be in domestic service, for the owner, such dependant shall also, for purposes of the said law relating to masters and servants, be deemed to be a servant.

Even small children have to give service & cannot go to school.

Squatters to be registered.

31. (1) Every owner upon whose land any native is lawfully residing as a squatter at the date of the application of the provisions of this Chapter to such land shall within three months thereafter apply to the native commissioner of the district in which such native so resides to have such native registered.

(2) After the expiration of the said three months no person shall be deemed to be a squatter unless he is registered under sub-section (1).

Registration and licensing of squatters.

32. (1) The native commissioner of every district shall keep in manner prescribed by regulation a register of squatters resident in such district, and shall allow any person to inspect such register free of charge during office hours.

(2) There shall be paid by the owner in respect of each squatter to the native commissioner a licence fee at the following rate per annum commencing twelve months after the application of the provisions of this Chapter to the land occupied by such squatter—

- (a) for the first and second years, ten shillings per year;
- (b) for the third and fourth years, one pound per year;
- (c) for the fifth and sixth years, two pounds per year;
- (d) for the seventh to the ninth years, three pounds per year;
- (e) for the tenth and every subsequent year, five pounds per year.

(3) A licence shall be issued by the native commissioner to such owner and may be renewed from year to year against payment of the appropriate licence fee: Provided that no licence shall be renewed after the expiration of thirty days from the application of the provisions of this Chapter to the land on which the squatter, to whom such licence refers, resides.

(4) The licence whenever issued shall expire on the thirty-first day of August next succeeding.

(5) The native commissioner of any district may, and, if instructed thereto by the Minister or if requested in writing by six or more owners of land situate within the district, shall, by notice in writing call upon any owner in respect of whose land any native is registered as a squatter, and upon any such squatter to appear before him on a date and at a place specified in the notice to show cause why the registration and licence of such squatter shall not be cancelled. If upon enquiry the owner or squatter, as the case may be, fails to satisfy the native commissioner that such native was lawfully residing on the said land as a squatter upon the date of the application of the provisions of this Chapter to such land, he shall cancel the registration and licence in respect of such native, and shall fix and note in the register and communicate to each owner and squatter concerned a period within which such native shall vacate such land.

In some cases this will cause white tribes to move away from the places they have occupied for centuries & move into Reserve Areas where they are strangers — unless they choose to become squats on farms near by their old homes.

How about children of squatters growing up here — not yet squatters?

Special permission to certain classes of natives to reside upon land.

33. (1) Subject to the approval of the magistrate the owner may grant written permission to any native not otherwise exempt from any prohibition of this Chapter, who is a minister, evangelist or teacher or who is aged, chronically infirm or destitute, to reside upon land to which this Chapter applies and no registration, licence or other fee, shall be payable in respect of the residence of such native upon that land.

(2) The magistrate may at any time withdraw any such approval and thereupon the prohibitions of this Chapter shall apply to any such native.



The whole tendency of this Chapter IV is to drive still more natives into the towns.

34. (1) As often as he may from time to time deem necessary the native commissioner may, and upon instructions from the Minister shall, require any owner to transmit to him within a period specified and in a form prescribed by regulation a return showing—

Returns to be made to native commissioner by owner.

- (a) the number and names of all natives residing on such owner's land; and
- (b) the licence or permission under which and the terms and conditions upon which each such native so resides.

Companies often do not know the names of their own squatters who have come of age while away working on the Reef & only visit home occasionally. There is a large floating population.

(2) An owner who fails to submit such a return within the period specified or who knowingly submits it with incomplete or incorrect particulars or makes therein any false statement shall be guilty of an offence.

Ejection of natives unlawfully resident on land.

35. Any native who unlawfully resides upon or occupies the land of any owner or Trust or Crown land may be ejected from such land in accordance with the provisions of section thirty-six: Provided that the provisions of this section shall not derogate from any right, legal remedy or process relating to ejection which such owner or the Trust or the Crown may have or which may be available to such owner or the Trust or the Crown apart from the provisions of this section.

36. (1) Whenever any owner, or, in respect of Crown land, any officer of the Department of Lands authorized thereto in writing by the Secretary for Lands, or, in respect of Trust land any officer of the Department of Native Affairs authorized thereto in writing by the Secretary for Native Affairs, complains to the magistrate of the district that any native is unlawfully resident upon or in occupation of the land of such owner or of Crown or Trust land, as the case may be, the magistrate shall issue a written notice calling upon such native to show cause on a date and at a time and place set forth in such notice, why he should not be ejected from such land.

Summary procedure for ejection.

Why worry the magistrate? The Native Affairs Officer is usually more capable & knows his business better. This is another instance of Native Affairs being made subservient to the Dept of Justice.

(2) Any notice issued under sub-section (1) shall be served upon such native by a member of the police force who after service shall endorse thereon a return showing the date and manner of service and shall then forthwith return the notice to the magistrate.

& then magistrate will forget to pass it on to the N.A. Officer!

(3) At the time and place stated in such notice or on such other date as he may direct, the magistrate shall investigate the matter and hear evidence and if such native fails to establish a right to continued residence on such land the magistrate may issue a warrant authorizing and directing the police forthwith to eject such native summarily from such land.

He will want a lot of stirring up. Eject where to? He has no place to go to. How about his stock, household goods etc?

(4) In executing a warrant issued under sub-section (3) any member of the police force may use and exercise such reasonable force as may be necessary.

(5) For the purposes of this section a native shall be deemed to be resident upon or in occupation of land unlawfully, if he continues to reside upon or to occupy such land after the expiration of the period of notice of termination of such residence or occupation duly given to him in terms of any contract, oral or written, under which he entered into such residence or occupation, or, if no period of notice was stipulated in such contract, after the expiry of—

- (a) in the case of a servant, notice for a period of one month;
- (b) in the case of a labour tenant, squatter or any other native, notice for a period of three months:

Provided that nothing in this sub-section contained shall affect the right which any native may have to re-enter upon such land for the purpose of attending to or harvesting any crops on such land: Provided further that the grounds on which a native may be held to be resident upon or in occupation of land unlawfully shall not be deemed to be exhaustively enumerated in this sub-section.

This is vague. The growing & harvesting of crops can be spread out for a very long time.

(6) Each magistrate shall transmit to such officer of the Department of Native Affairs as the Governor-General may by regulation prescribed a copy of every notice and warrant issued by him under this section.

No he won't. He will forget.

37. It shall be the duty of the Government in its Department of Native Affairs to make such provision as may be necessary and adequate in the opinion of the Minister for accommodating in a scheduled native area or a released area and on such conditions and terms as may be prescribed by

Provision for ejected natives.

No, there is no room & it cannot be done in practice, though it sounds simple in theory.

Unlawfully note line 249

It is easy to say this & sound plausible enough to those who do not have to carry it out.

It is not easy to force a total stranger into a clan where he is not welcome & where there are no lands for him or pasturage for his stock.



Unfortunately it is Chapter IV which will more appeal to the farming majority in Parliament. Amendments will be on the side of greater stringency than the present.

Revised

regulation any native displaced from land outside a scheduled native area or a released area by reason of the operation of the provisions of this Chapter, or of the Natives (Urban Areas) Act, 1923, or any amendment thereof.

CHAPTER V.

5

GENERAL AND MISCELLANEOUS.

Regulations as to rentals.

Does this also cover stock?

Companies at present charge 3/- for individuals & 1/- for cattle 1/- or 6" for small stock.

38. (1) The Governor-General may by regulation prescribe the maximum rental or consideration payable to any owner, not being a native or the Trust, in respect of the use or occupation of land by natives in a released area. Any excess over such maximum rental or consideration shall not be recoverable by legal process and any person other than a native entering into any agreement in contravention of any such regulation shall be guilty of an offence.

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(2) Such rental or consideration may be prescribed on different bases in respect of different areas.

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Evidence in criminal proceedings.

Sometimes they are all three together & each can be proved or equally disproved.

39. (1) In any criminal proceedings under this Act in which it is an issue whether a native was or was not a servant or a labour tenant or a squatter or is exempted from any prohibition contained in this Act, the onus of proof shall be upon the accused.

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(2) In any criminal proceedings under this Act against any person accused of doing or permitting anything in respect of which a licence, permit or permission is required such licence, permit or permission shall be presumed not to have been issued or granted until the accused person proves the contrary: Provided that a licence or permit in the prescribed form purporting to be issued under this Act or any duly authenticated copy or duplicate thereof shall be prima facie evidence of the facts stated therein.

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(3) In any criminal proceedings under this Act or the principal Act in which it is an issue whether the approval of the Governor-General has been given to any transaction a certificate in the prescribed form purporting to be signed by the Secretary for Native Affairs shall be prima facie evidence of the fact certified.

35

Presumption as to occupation of land by natives.

40. Whenever a native resides upon or occupies any land the property of a person other than a native it shall be presumed in the absence of proof to the contrary that such native resides upon or occupies such land under an agreement with the owner.

40

Savings.

41. Nothing in this Act or in the principal Act shall be construed as—

(a) preventing the continuation or renewal of or affecting in any manner whatever any such lease as is referred to in paragraph (ii) or paragraph (iii) of sub-section (2) of section four of the Private Locations Act, 1909 (Act No. 32 of 1909), of the Cape of Good Hope;

45

(b) prohibiting, invalidating or affecting in any manner whatever any agreement between a proprietor and his servant or labour tenant or a squatter resident on his land in so far as such agreement provides for the use by the proprietor in or about farming operations or any industry, trade, business or handicraft carried on by him of stock belonging to such servant, labour tenant or squatter.

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55

There is often trouble about farmer's rights to use their natives' stock to plough.

Modification of certain provisions in sub-section (1) of section 8 of Act 27 of 1913.

42. (1) Notwithstanding the provisions of paragraph (g) of sub-section (1) of section eight of the principal Act no land shall be exempt from the provisions of this Act or of the principal Act merely by reason of the fact that such land is within the area of jurisdiction of a board, committee or other authority constituted under the provisions of section thirty of the Native Administration Act, 1927 (Act No. 38 of 1927): Provided that the provisions of Chapter IV of this Act shall not be applied to any such land.

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(2) Paragraph (h) of sub-section (1) of section eight of the principal Act is hereby amended by the insertion after the word "Natives" of the words "so long as such land continues to be held by such society": Provided that this sub-section shall not be construed as applying the provisions of the principal Act or of this Act to land which having been held at the commencement of the principal Act by any such society as is referred to in the said paragraph has prior to the commencement of this Act been alienated by such society.

70



43. The provisions of sections *seven, eight, nine* and *ten* of the Natives Taxation and Development Act, No. 41 of 1925, as amended, shall be applicable for the recovery of any debt, rent, fee or other charge due from any native to the Trust in respect of the purchase, hypothecation, fencing, occupation or use of land and any such debt, rent, fee or other charge shall, for the purposes of sub-sections (1) to (4), both inclusive, of the said section *nine* be deemed to be a tax imposed under that Act.

Application of provisions of Act 41 of 1925, as amended, for the recovery of debts due from natives to the Trust.

*i.e. more prisoners for the jails.*

44. Any person who is convicted of an offence under this Act or the regulations made thereunder shall be liable to the penalties mentioned in section *five* of the principal Act, and, in the case of a continuing offence, to the further fine provided in that section.

Penalties.

*In 1934 there were 69,591 convictions under the Tax Act.*

45. (1) The Governor-General may make regulations not inconsistent with this Act—

Regulations.

- (a) as to the regulation and conduct of the business of the Trust ;
- (b) as to the acquisition, management and disposal of movable and immovable property by the Trust ;
- (c) as to the keeping and auditing of the accounts of the Trust, and prescribing the officers by whom expenditure of money belonging to the fund may be authorized and within what limits such expenditure may be authorized by such officers ;
- (d) defining the functions of Trust Advisory Boards established under this Act ;
- (e) regulating and prescribing the procedure at meetings of such boards and generally the conduct of the business of such boards ;
- (f) prescribing the conditions upon which natives may purchase, hire or occupy land held by the Trust ;
- (g) prescribing the conditions on which advances may be made to or on behalf of natives from the fund for the purchase, improvement, development or fencing of land or the redemption of mortgages thereon ;
- (h) providing for the allocation of land held by the Trust for the purposes of residence, cultivation, pasturage and commonage ;
- (i) providing for the grant or withdrawal of permits to persons other than natives to travel, reside or to carry on any profession, business, trade or calling in any scheduled native area or on land held by or from the Trust, the periods for which such permits shall be in force and the conditions thereof ;
- (j) regulating all matters relating to roads, fences, pounds, watercourses, woods, and the use of water, wood, clay and stone, within any scheduled native area or on land held by or from the Trust ;
- (k) relating to the occupation or grant of land the property of the Trust for church, school and mission purposes ;
- (l) providing for the maintenance of order, the preservation of health and the observance of decency ;
- (m) providing for the preservation of fauna and flora and the prevention of soil erosion and veld fires ;
- (n) prescribing the forms to be used in the administration of this Act and the manner of authenticating any copy or duplicate thereof ;
- (o) prescribing the particulars or information to be furnished with any application or to be inserted in any licence, permit, permission, certificate or register under this Act ;
- (p) prescribing the procedure to be observed as regards the service of any notice under this Act ;
- (q) prescribing any special formalities to be observed in connection with the registration of agreements and transactions of whatsoever nature affecting land for the purpose of ensuring compliance with the provisions of the principal Act and of this Act ;



*It used to be 90 days  
There is a vast difference between  
the calendar months & 122 days of  
the days are by tribal's spread out  
over the whole 12 months or if the  
months are ~~not~~ separated & not consecutive.*

- (r) prescribing the principles to be followed or the matters to be taken into consideration by boards in making any determination under this Act in regard to labour tenants;
- (s) fixing within any particular district or area the minimum period, which shall in no case be less than four calendar months or one hundred and twenty-two days, for which in any calendar year a person must render service before he can be deemed to be a labour tenant for the purposes of this Act;
- (t) generally for the better carrying out of the objects and provisions of this Act, the generality of this provision not being restricted by any particular paragraph of this sub-section.

(2) Any such regulations may be made applicable in particular areas or in respect of particular classes of persons, and different regulations may be made for different areas or in respect of different classes.

(3) Any person contravening any regulation framed under sub-section (1) shall be guilty of an offence.

(4) All regulations lawfully made and in force immediately prior to the commencement of this Act relating to the administration and control of any land which vests in the Trust under section six shall continue in force until superseded by regulations under this Act.

Interpretation of terms

*Make a female*

46. In this Act, unless inconsistent with the context—

- “acquire” in relation to land means to acquire by purchase, exchange, donation or lease; and
- “acquisition” has a corresponding meaning;
- “dependent” means any person between twelve and eighteen years of age, if resident with and dependent upon any labour tenant, registered owner, or squatter referred to in sub-section (2) of section *twenty-five*;
- “hold” in relation to land means to own or hold under lease or otherwise lawfully to occupy land; and
- “holder” has a corresponding meaning;
- “interest” in relation to the definitions of “native” and “person other than a native” includes the holding of a debenture in a company or a mortgage bond over land;
- “labour tenant” means, in relation to land or the owner thereof, a native male adult (other than a servant) the services of whom or of whose family are actually and *bona fide* required by the owner for the better working of any land owned by him or for domestic services or in or about farming operations, or in any industry, trade, business or handicraft carried on by the owner on land held by him and who, or any member of whose family dependent upon him, is obliged to serve the owner in terms of a contract which if it requires services to be rendered for a total period in excess of one hundred and eighty days, has been entered into in writing in the presence of a native commissioner, but does not include any native male adult who in respect of his occupation of the land of the owner gives, except as provided in section *forty-one*, any consideration other than the services aforesaid;
- “land” includes any right held under a lease of or servitude over land and the interest which the holder of a mortgage bond or a person having a charge over land acquired under such bond or charge;
- “native” means—
  - (a) any member of an aboriginal race or tribe of Africa; and
  - (b) any person whose father or mother is or was a member of such a race or tribe,
 and except in section *twenty-three* a company or other corporate body or association in which a native has or natives have a controlling interest;
- “native commissioner” in respect of any district for which no native commissioner has been appointed means the magistrate of that district;
- “owner” in relation to land means a person—
  - (a) who is registered as the owner thereof, whether as sole owner or as owner of an undivided share thereof, provided that no such person as is

*It is always difficult to define a "native". Many nowadays have no tribe. How about the children & grandchildren of the detribalized?  
Also compare definition of "native" in Representation Bill on page 78*



described in paragraph (b) of this definition is in actual occupation of the land ; or

5 (b) who is the lessee thereof or holds the land under licence, certificate of allotment or other form of title conferring a right of occupation ; and in the case of land registered in the name of a corporate body includes the representative of such body on or in relation to the land whether or not he is in actual occupation thereof, provided that no such lessee or holder is in actual occupation ;

10 " person other than a native " includes any company or other corporate body or association unless a native has or natives have a controlling interest in such company, body or association ;

15 " regulation " means a regulation made and in force under this Act or the principal Act ;

" servant " means, in relation to the owner of land, any native *bona fide* and continuously employed by the owner, under contract in domestic service or in or about farming operations, or in any industry, trade, business, or handicraft carried on by the owner on his land ;

20 " squatter " means, in relation to land or to the owner thereof, a native male (not exempted from the provisions of Chapter IV. under section *thirty-three* nor being a dependent as herein defined) who is or appears to be of, or over, the age of eighteen years and is at the date of the application of the provisions of that chapter to that land lawfully residing thereon, if such native is neither a servant nor a labour tenant as herein defined.

*narrow line between this & labour tenant*

*generally known as a rent payer.*

47. The laws mentioned in the Third Schedule to this Act are hereby repealed to the extent indicated in the fourth column thereof. Repeal of laws.

35 48. This Act may be cited as the Native Trust and Land Act, 193. . and shall, save as specially provided in Chapter IV, come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*. Short title and commencement of Act.

### First Schedule.

#### RELEASED AREAS.

##### PART I.

#### CAPE OF GOOD HOPE.

##### AREA No. 1.

##### DISTRICT OF MAFEKING.

*Description.*—From the north-western beacon of the farm Kging Slopes on the Molopo Native Reserve boundary generally south-eastwards along the boundaries of and including the farms Kging Slopes aforesaid, Dunboy, Erinn, Contarf, Boyne and Rhodes Rest to the southern beacon of the last-named farm ; thence generally north-eastwards along the boundaries of and including the farms Rhodes Rest aforesaid, Liege, Cuxhaven, Sweet Valleys and Defence to the eastern beacon of the last-named farm on the Molopo Native Reserve boundary ; thence generally westwards along the boundary of but excluding the Molopo Native Reserve to the point of commencement.

##### AREA No. 2.

##### DISTRICT OF VRYBURG.

*Description.*—The Setaben Crown Reserve.

##### AREA No. 3.

##### DISTRICT OF VRYBURG.

*Description.*—From the north-eastern beacon of the farm Havant, generally westwards, southwards, south-westwards and south-eastwards along the boundaries of and including the following farms : Havant, Campden, Ilkley, Conway, Bute, Deal, Hove, Halifax, Harrow, Ashfield, Tseloan, Clifton, Berwick, Tay, Avon, Eiffel, Sark, Derwent, Diaz, Kelso and Ganap, to the north-eastern beacon of the last-named farm ; thence along the northern boundary of the following Native reserves so as to exclude them, Magonat, Gapitia and Linopen, to the north-eastern beacon of the last-named reserve ; thence generally north-eastwards and northwards along the western boundaries of the following farms so as to exclude them, Viera, Poler, Lere Metsi, Lemona, Dithapedintsi and Pepani to the south-eastern beacon of the Morokwen Native Reserve ; thence along the southern and western boundary of the Morokwen Native Reserve, so as to exclude it, to the point of beginning.

##### AREA No. 4.

##### DISTRICT OF VRYBURG.

*Description.*—The Algiers Crown Reserve and the Matlaben Crown Reserve.



## AREA No. 5.

## DISTRICT OF KURUMAN.

*Description.*—The area falling within the following limits but excluding therefrom the portions, approximately 11,255 morgen in extent, of the Kuruman Crown Reserve granted to the Kuruman Municipality and the London Missionary Society:—

From the north-western beacon of the farm Penryn generally eastwards, south-eastwards and north-westwards along the boundaries of the following farms so as to include them but excluding from the area the Bothetheletsa Native Reserve; Penryn, Ruthven, Padstow, Dawlish, Chickenwood, Morpeth, Shipton, Bendell, Koboga, Dunoon, Scattergood, Barnaby, Kgatlagomo, Petersham, Witnesham, White Ladies, Tsamaros, Baily-brith, Letchulachu, Tlaring, Mahuramuthla, Chester, Hartebeestbult, Durham, Masadifontein, Maryhill, Essex, Cornwall, Tsirami, Hazeroth, Aoud, Motlhoeng, Rowell, Magaladi, Loch, Tsaengwe, Magagapere, Ganghae, West Derby, Harvard, and Yale to the western beacon of the last named farm; thence along the boundary of the Kuruman Crown Reserve so as to include it to the south-western beacon of the farm Thamoanche; thence along the boundaries of and including the farms Thamoanche aforesaid, Nyra, Minto, Alderley, Ardath, Wingate, Ewbank, Church Hill, Cottenend, Southill, Langmead, Colville, Mirfield, Cantley, Kooroon and Penryn to the place of beginning.

## AREA No. 6.

## DISTRICT OF KURUMAN.

*Description.*—The farm Legoko adjoining the Gathlose-Reserve.

## AREA No. 7.

## DISTRICT OF TAUNG.

*Description.*—The farm Thoming adjoining the Taung Native Reserve.

## AREA No. 8.

## DISTRICT OF BARKLY WEST.

*Description.*—From the north-eastern beacon of the farm Dingly Dell generally westwards, south-westwards and south-eastwards along the boundaries of the following farms so as to include them: N.W.36, 14pq (Hoekplaats), 16pq, 15pq, 15op, 15no, 16no, 17no, 18no, to the south-eastern beacon of the farm 18no; thence northwards and south-eastwards along the boundary of the Likatlong Location and the Mamotle Location so as to exclude them to the north-eastern beacon of the Mamotle Location; thence up the middle of the Harts River to the south-eastern beacon of the farm N.W. 24 being the Soedin Location; thence along the boundaries of the Soedin, Shalen and Majagoro Locations so as to exclude them from the area to the place of beginning.

## AREA No. 9.

## DISTRICT OF HUMANSDORP.

*Description.*—The area comprising the Mission Stations of Charlottenburg and Clarkson and the piece of Crown Land known as "The Gap."

## AREA No. 10.

## DISTRICT OF PEDDIE.

*Description.*—The area lying to the west of the municipal boundary of Peddie comprising the farms Runlets, Woodlands, Gnusha Poort, Outspan and the land formerly reserved for the Forest Department under letter dated the 10th March, 1890.

## AREA No. 11.

## DISTRICT OF PEDDIE.

*Description.*—The area comprising Farm Clifford, Farm Bishopton and Junction Farm.

## AREA No. 12.

## DISTRICT OF PEDDIE.

*Description.*—The farm Heaton.

## AREA No. 13.

## DISTRICT OF PEDDIE.

*Description.*—From the south-western beacon of Wooldridge Commonage generally northwards, north-eastwards, eastwards, south-eastwards, south-westwards and north-westwards along the boundaries of and including the following: Wooldridge Commonage, Lot No. 8, Lot No. 6, Lot No. 4, Lot No. 3, Lot No. 2, Lot No. 1, Lot No. 21, Lot No. 22, Lot No. 24, Public Outspan, Lot No. 17, Lot No. 16, Lot No. 15, and Wooldridge Commonage to the point of commencement.

## AREA No. 14.

## DISTRICT OF PEDDIE.

*Description.*—The area comprising the following: Farm Grantham Bell Village and Commonage, Bodiam Village and Commonage, Farm River Bank, Farm Sandflat, Farm Rietfontein, Farm Walsingham and Farm Newark.

## AREA No. 15.

## DISTRICT OF VICTORIA EAST.

*Description.*—The area comprising the following farms: Springfield, Ellendale, Lots Nos. 1200, 1201, 1202, Evergreen, Juanaberg (or, Glenifer), Clumber, Forest Lot, Douglas Vale, Peffers Kop, Bergplace, Guali Farm, Weltevreden, Benfield Park, Benfield Farm, Pleasant View, Saint Munges and Cato (Lots Nos. 1205 and 1208).



## AREA No. 16.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—Lots Nos. I to XVII and Lot B adjoining the Regu Commonage.

## AREA No. 17.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—Lot B and Lots Nos. 3—14 situated to the north-east of the Village of Middledrift and bounded by the Keiskama River, the Middledrift Commonage, Quma's Location, the Keiskama River, Ann Shaw Location Commonage, Lot A and Lot No. 2.

## AREA No. 18.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—The area falling within the following limits but excluding therefrom :—

- (1) The Keiskama Hoek Village and Commonage.
- (2) The following areas already scheduled as Native Areas under Act No. 27 of 1913 :—
  - (a) Lot A granted to J. Maclean and C. Brownlee in trust for Gonye Sandili on 1st August, 1859 (K.W.T.F.9.3A).
  - (b) Lot B granted to J. Maclean and C. Brownlee in trust for Emma Sandili on 1st August, 1859 (K.W.T.F.9.2A).
  - (c) St. Matthew's Mission Station.

From the south-western beacon of Farm No. 29 in the district of Cathcart generally north-eastwards and south-eastwards along the boundaries of but excluding the following farms in the Cathcart district, Farm No. 29, Farm No. 30, Farm No. 25, Farm No. 24, Farm No. 23, Highgate, Ditchling and Tavistock to a point known as Mount Thomas; thence generally southwards along the boundary of the King William's Town District to a point known as Mount Kemp; thence generally south-westwards along the watershed of the Gwili Gwili mountain range to Bailey's Grave Trigonometrical Station; thence along this range to a beacon of the Pirie Location Commonage which is also a beacon of Lots 97 and 96 in the Pirie Location Commonage; thence generally westwards, north-westwards and southwards along the boundaries of but so as to exclude the commonage of the Pirie Location, the Umnxesha Commonage, Mbem's Location and Burnshill Village and Commonage to the south-eastern beacon of Lot 22; thence along the boundary of and including that Lot to its south-western beacon on the Keiskama River; thence northwards along the Keiskama River to its junction with the Amatole River; thence up the Amatole River to the south-eastern beacon of Lot 186; thence along the boundary of but excluding Mhlambiso's Location to its most northern beacon on the Amatole Peak and thence northwards along the boundary of the King William's Town District to the place of beginning.

## AREA No. 19.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—From the north-western beacon of Lot No. 70 on the Umnxesha River on the southern boundary of the Pirie Location Commonage generally eastwards down the Umnxesha River to the south-eastern beacon of the Pirie Location Commonage; thence northwards along the eastern boundary of but excluding the Pirie Location Commonage to the Gookwabi River; thence generally south-eastwards and north-eastwards along the boundary of but excluding Jafta's Location to the north-eastern beacon of Lot No. 145; thence generally south-westwards along the boundaries of but excluding the following areas, Joseph William's Location, Dikidikana Commonage and Kama's Location to the south-eastern beacon of Farm No. 340; thence generally north-eastwards along the boundaries of but excluding the farms Nos. 340 and 343 to the place of beginning.

## AREA No. 20.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—The Cweneve Main Forest Reserve and surveyed allotments Nos. 1 to 17 lying to the south-west of that Reserve between its boundary and that of Manganza's Location.

## AREA No. 21.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—Surveyed allotments Nos. 3 to 24 inclusive, with commonage on the Ramnyiba Stream, bounded by Jafta's Location, Joseph William's Location, Farm No. 319, and the Braunschweig Commonage.

## AREA No. 22.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—From the north-eastern beacon of the farm No. 328 generally westwards and north-westwards along the boundaries of but excluding the said farm and Lot No. 40 to the point where the Isenyorka Stream crosses the northern boundary of Lot No. 40; thence up the middle of the Isenyorka Stream to where it crosses the boundary of the Balasi Commonage; thence generally south-westwards along the boundaries of but excluding the Balasi Commonage and Open Ground to the place of beginning.

## AREA No. 23.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—Fort Murray Military Reserve and adjoining lots.



## AREA No. 24.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—Lot granted to J. G. Ehrke on the 7th March, 1872.

## AREA No. 25.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—The area comprising the following farms: Farm granted to King William's Town Stud Farm Company, Farm No. 135, Outspan, Farm No. 309, and land granted to E. J. Byrne on the 24th June, 1876.

## AREA No. 26.

## DISTRICT OF KING WILLIAM'S TOWN.

*Description.*—The area comprising the following land: Farms Nos. 1, 2, 31, 32, 33, 34, 35, 36 and 38 in Field Cornetcy No. 1, together with the Punzana Outspan.

## AREA No. 27.

## DISTRICT OF EAST LONDON.

*Description.*—The area falling within the following limits but excluding therefrom Section C at the mouth of the Chalumna River, Section M, that portion of Section N reserved for commonage and Sections U, V, W, and X at the mouth of the Keiskama River and the Coast Forest Belt lying between surveyed farms and the coast:—

From the mouth of the Keiskama River up that river to the north-western beacon of the farm No. 6; thence eastwards along the northern boundaries of and including the farms Nos. 6 aforesaid, 5, 4 and 3 to the Chalumna River which forms the eastern boundary of farm No. 3; thence down the Chalumna River to its mouth; thence along the sea coast to the place of beginning.

## AREA No. 28.

## DISTRICT OF EAST LONDON.

*Description.*—The area comprising the Paardekraal Immigrants Location bounded as follows:—

From the north-western beacon (on the Buligha River) of farm No. 35 S. generally north-eastwards along the boundaries of and including farms Nos. 35S. and 31S. to the north-eastern beacon of the last-named farm on the Icinsa River; thence generally south-eastwards down the middle of the Icinsa River to its mouth; thence south-westwards along the sea coast to the mouth of the Buligha River; thence generally northwards up the middle of the Buligha River to the place of beginning.

## AREA No. 29.

## DISTRICT OF EAST LONDON.

*Description.*—The Tainton Village and Commonage.

## AREA No. 30.

## DISTRICT OF KOMGHA.

*Description.*—From the north-western beacon of Lot No. 15, District Komgha, generally north-eastwards and south-eastwards along the boundaries of and including the following Lots: Nos. 15, 16, 29, 32, 37, 41, 352, to the south-eastern beacon of Lot No. 352; thence generally south-eastwards along the boundary of but excluding Mooiplaats Location to the Komgha District boundary; thence generally north-westwards along the Komgha District boundary to the point where the Kwalagha River crosses it, thence up the middle of the Kwalagha River to the south-eastern beacon of farm No. 267; thence northwards along the boundaries of but excluding the farms Nos. 267 and 266 to the place of beginning.

## AREA No. 31.

## DISTRICT OF STUTTERHEIM.

*Description.*—1,000 morgen of the Quacu Forest Reserve.

## AREA No. 32.

## DISTRICT OF STUTTERHEIM.

*Description.*—The farm Hekel.

## AREA No. 33.

## DISTRICT OF CATHCART.

*Description.*—The Goshen Mission Station.

## AREA No. 34.

## DISTRICT OF QUEENSTOWN.

*Description.*—Shiloh Mission Station.

## AREA No. 35.

## DISTRICT OF QUEENSTOWN.

*Description.*—The farm High Meadows.

## AREA No. 36.

## DISTRICT OF QUEENSTOWN.

*Description.*—The Katberg Outspan, as surveyed.

## AREA No. 37.

## DISTRICT OF QUEENSTOWN.

*Description.*—Portion of the farm Success, nine hundred morgen in extent, adjoining the Oxkraal and Kamastone Location.



## AREA No. 38.

## DISTRICT OF QUEENSTOWN.

*Description.*—The farms Xuma, Tabata and Bombani.

## AREA No. 39.

## DISTRICT OF MACLEAR.

*Description.*—The farms Anstey and Stretton.

## AREA No. 40.

## DISTRICT OF KENTANI.

*Description.*—Lots Nos. 1, 2, 3 and 4, Kei Mouth Reserve.

## AREA No. 41.

## DISTRICT OF BUTTERWORTH.

*Description.*—The granted farms in the Enthlambe Ward.

## AREA No. 42.

## DISTRICT OF UMTATA.

*Description.*—The farm Tyalara.

## AREA No. 43.

## DISTRICT OF XALANGA.

*Description.*—The Cala Reserve.

## AREA No. 44.

## DISTRICT OF MATATIELE.

*Description.*—The area of Crown Land known as William Ntika's Location, which adjoins the Kaka Location Reserve.

## AREA No. 45.

## DISTRICT OF MATATIELE.

*Description.*—The farm Manning, adjoining the Moiketse Location.

## AREA No. 46.

## DISTRICT OF MATATIELE.

*Description.*—From the north-eastern beacon of the farm Zureka on the Basutoland border generally southwards and south-eastwards along the boundaries of and including the following farms: Zureka, Rochdale, Nahainkwe, Northbrook and Hillside to the eastern beacon of the last-named farm; thence generally south-westwards along the boundaries of and including the following farms: Hillside, Northbrook, Vermiljoenkui, Black Diamond and Prospect to the south-western beacon of the last-named farm; thence generally north-eastwards along the boundaries of and including the farms Prospect, Noqabo, Nkandi, Tikatikong to the beacon common to the last-named farm and Hermitage; thence along the boundaries of and including the farms Hermitage and Corts Retreat to the northern beacon of the last-mentioned farm; thence generally south-westwards, westwards, north-eastwards and north-westwards along the boundaries of and including the following farms: Rolland, Mont Plaisir, Etheldale, Wallace, Charles Brownlee, Harry Ebden, George Herbert, Cochet, De Schuur, Tramore, Glen Alfred and The Retreat to the north-western beacon of the last-named farm; thence along the northern boundary of but excluding Mahlangu's Location to the Basutoland border; thence along the Basutoland border to the point of commencement.

## AREA No. 47.

## DISTRICT OF UMZIMKULU.

*Description.*—The whole of the Umzimkulu District, excluding—  
 (1) The areas scheduled under the Natives Land Act, No. 27 of 1913; and  
 (2) The following area: Umzimkulu Township, Outspan, Drift and the farms Bezweni, River Bank (Mountain Home), Ebuta, Zwervershoek, Driefontein, Highlands and Hopewell.

## PART II.

## NATAL.

## AREA No. 1.

## DISTRICT OF ALFRED.

*Description.*—Farm Hawarden.

## AREA No. 2.

## DISTRICT OF ALFRED.

*Description.*—From the north-eastern beacon of the farm Deepdell on the boundary of Location No. 6 generally south-westwards and north-westwards along the boundaries of and including the following farms: Deepdell, The Junction, Stocklands, Bisset, D.F.2, B of D.F., A of D.F., and South Slopes to the northern beacon of the last-named farm on the boundary of Location No. 6; thence generally south-eastwards along the boundary of but excluding the said location to the place of beginning.

## AREA No. 3.

## DISTRICT OF ALFRED.

*Description.*—The area comprising the farms Umtshiwa, Vovo, Briar, Umgetizan, The Thistles, Briar (2), The Primrose, Bluebell, The Cowslip, Meadow Sweet and Daisy.

## AREA No. 4.

## DISTRICT OF ALFRED.

*Description.*—The farm Bedford adjoining Sakayedwa's Location.

*In parts of Natal which are already petitioning to be excluded from released areas.*



## AREA No. 5.

## DISTRICTS OF ALFRED, IXOPO, UMZINTO AND PORT SHEPSTONE.

*Description.*—From the north-western beacon of farm F.J. on the boundary of Mbambulo's Location in an easterly direction along the boundary of but excluding the said location to the Umzimkulu River; thence generally south-eastwards, north-eastwards and north-westwards along the boundary of but excluding Location No. 8 to its north-eastern beacon; thence generally north-eastwards along the boundaries of and including the following farms: Nos. 18, 15, 10, C.X., C.A., B.C., Ravine, B.Y., The Ravine, Deep Dell, Meadowlands, 9 Hlokosi, E.T., Hlokosi Reserve, B.Z.I., Inhlokozi (T. Joyce), B.X., G.W., and Fairview; thence general eastwards along the boundaries of and including the following farms: E.K., Hlokozi 1, Hlokozi 2, E.X., Hlokozi 4, Waterfall, Upelepele, Uzvizwi, Inyanga, The Point, and Crown land lying to the south of The Goat, The Sheepwalk and a straight line drawn from the south-eastern beacon of The Sheepwalk to the northern beacon of Guliga No. 2; thence generally southwards along the boundaries of and including the following farms: Guliga No. 2, Mbiyane, Crown land, Ellesmere E, Mapungwane, Imfumbi, Pulumbane, Umsigazi, Oban, T.2, T.3, and C.7 to the north-eastern beacon of Location No. 4, thence generally north-westwards and south-westwards along the boundaries of but excluding Location No. 4 to the eastern beacon of the farm Umbogolwane on the Location boundary; thence generally southwards along the boundaries of and including the following farms: Umbogolwane, Rossmore North, The Heights, The Watershed and N'dongini to the southern beacon of the last-named farm on the Umzimkulu River; thence up the Umzimkulu River to the south-eastern beacon of Location No. 6; thence generally north-eastwards, westwards and south-westwards along the boundary of Location No. 6 to the point where the western boundary of the said Location strikes the Umzimkulu River; thence up the Umzimkulu River to the beacon on the Umzimkulu River common to Location No. 6A and the farm Inyanda; thence generally north-westwards along the boundary of but excluding Location No. 6A, to the south-western beacon of the farm Canithoba; thence along the western boundary of and including the farm Canithoba to the beacon common to that farm and the farm Fairview; thence along the boundary of but excluding the farm Fairview to the eastern beacon of Sakayedwa's Location; thence generally north-westwards and westwards along the boundary of but excluding Sakayedwa's Location to the place of beginning.

## AREA No. 6.

## DISTRICT OF PORT SHEPSTONE.

*Description.*—The farm Bavaria adjoining Location No. 5.

## AREA No. 7.

## DISTRICT OF PORT SHEPSTONE.

*Description.*—From the north-western beacon of the farm Quabi on the Umzumbi River down that river to the north-eastern beacon of the farm "The End"; thence generally south-westwards along the boundaries of and including the farms The End and Ujambili to the south-western beacon of the last-mentioned farm on the boundary of Location No. 5; thence generally north-eastwards, westwards and south-westwards along the boundary of but excluding Location No. 5 to the south-western beacon of the farm Quabi; thence along the western boundary of the said farm to the place of beginning.

## AREA No. 8.

## DISTRICT OF IXOPO.

*Description.*—Farm Basuto's Hope surrounded on all sides by Location No. 8.

## AREA No. 9.

## DISTRICT OF IXOPO.

*Description.*—From the south-western beacon of the farm C.M. on the Umzimkulu River generally north-eastwards, south-westwards, eastwards and southwards along the boundaries of and including the following farms: C.M., A. of A.Z., Remainder of A.Z., A. of Lot 6 Umgodi, 7, B.C., 8A, D.S., The Folly, South Slopes 9, The Folly, 8A, B.F., B.D., Remainder of Deep Valley, A of Lot 6 Umgodi, Crown land, 7, 12, 11, Look Out, C.G., Patch 4, 3, Ascot, I.A., to the eastern beacon of the last named farm on the boundary of Location No. 8; thence in a westerly direction along the boundary of but excluding the said Location to the Umzimkulu River; thence up the Umzimkulu River to the place of beginning.

## AREA No. 10.

## DISTRICT OF IXOPO.

*Description.*—From the south-western beacon of portion E of Hancock Grange generally eastwards and south-westwards along the boundaries of and including the following farms: Portion E of Hancock Grange, C.S., B.B., A.A., A. of W.W., L.J., L.H., A.D., F.M., 12, D.Y., Umxotwa, B of 10, D.U., The Glade, A. of 10, D.Y., 11, U, E.P., A.G., D.1, D:1, C.Q., C.P., C.O. and D.C.; thence generally north westwards up the Umzimkulu River to the point of beginning.

## AREA No. 11.

## DISTRICT OF IXOPO.

*Description.*—Springvale Mission Station.

## AREA No. 12.

## DISTRICTS OF POLELA, IXOPO AND RICHMOND.

*Description.*—From the south-eastern beacon of Location No. 2 on the Umkomanzi River down that river to the western beacon of the farm X.Y., thence along the boundaries of and including the farms X.Y., Lot No. 102 and A.W., to the southern beacon of farm A.W. on the



Umkomanzi River ; thence generally northwards, westwards and north-westwards along the boundaries of and including the following farms : Legisa, Crown Lands, A of S.40, Magwane, S.38, S.41, S.42, Sandaneswe, Ntobane, Hades and F.P. 388 to the north-western beacon of F.P. 388 on the boundary of Location No. 2, thence along the boundary of but excluding Location No. 2 to the point of commencement.

AREA No. 13.

DISTRICT OF POLELA.

*Description.*—Lots S.7, S.8, S.9, S.10 and S.11.

AREA No. 14.

DISTRICT OF POLELA.

*Description.*—Farm F.P. 260.

AREA No. 15.

DISTRICTS OF POLELA AND IMPENDHLE.

*Description.*—From the south-eastern beacon of the farm Eden on the Umkomanzi River generally westwards, south-westwards, north-westwards and westwards along the boundaries of and including the following farms : Eden, S.5, S.4, A of F.P. 142, F.P. 332, F.P. 296. The Ridge, The Kloof, F.P. 325, G.R. 14, Dragon Hole, F.P. 13, Dragon Hole, G.R. 14, Crown Land, Cavern Falls, F.P. 323, F.P. 50, F.P. 17, S.2 portion C of S.1, F.P. 114, A of S.1, B of S.1, The Peak, The Gorge, Rutland, G.R. 19, G.R. 9, Bucklands, G.R. 10, N.E. 2, F.P. 333, Tunis, Tripoli, Tenby, Tetaun and F.P. 190 to the north-western beacon of the last-mentioned farm ; thence generally eastwards, north-westwards and south-eastwards along the boundaries of and including the following farms : F.P. 190, F.P. 343, Teviot, Greenhill, F.P. 147, The Falls, F.P. 147, F.P. 146, Richland, N.E. 2, G.R. 10, Bucklands, F.P. 154, The Gorge, West Lynn No. 2, Kilkenny, F.P. 188, G.R. 24, G.R. 23, Netley, G.R. 4, G.R. 5, G.R. 4, G.R. 3, Highlands, Glensmile, F.P. 10, F.P. 21, The Glen, F.P. 138, to the south-eastern beacon of the last-mentioned farm on the Umkomanzi River ; thence down the Umkomanzi River to the place of beginning.

AREA No. 16.

DISTRICTS OF POLELA AND IMPENDHLE.

*Description.*—Farms F.P. 149 and F.P. 297.

AREA No. 17.

DISTRICT OF IMPENDHLE.

*Description.*—The farms F.P. 178, Cathcart, Shirley, Sunset, Hlatimba, The Ridge, Maitland and Otley.

AREA No. 18.

DISTRICT OF IMPENDHLE.

*Description.*—Farm Nooitgedacht.

AREA No. 19.

DISTRICT OF RICHMOND.

*Description.*—The farms Vinks Rivier and Newlands adjoining the Indaleni Mission Reserve.

AREA No. 20.

DISTRICT OF RICHMOND.

*Description.*—Farms W.S. 7, W.S. 8, the adjoining Crown Land and farm Inhlazuka.

AREA No. 21.

DISTRICT OF UMZINTO.

*Description.*—From the north-western beacon of Location No. 2 generally eastwards and southwards along the boundary of but excluding the said Location to the north-western beacon of farm W.S.20, thence generally southwards and south-eastwards along the boundaries of and including the following farms : W.S. 20, Coral, Crown Land, Broadvale, Carrig, Saracen, Mount Croker, Glenroy, Langlands, The Walk, Mysieland to the north-western boundary of the farm Golden Valley ; thence along the boundaries of but excluding the farms ; Golden Valley, B. 8, The Mistake, B. of Daventry, A of Daventry, The Cedars, Glen Ashdale No. 2, The Hollows and Glen Ashdale to the North-western beacon of the last named farm on the boundary of Location No. 1 ; thence generally westwards and northwards along the boundary of but excluding the said Location to the Umkomanzi River ; thence up the Umkomanzi River to the point where it strikes the boundary of the Umzinto District ; thence in a south-westerly direction along the district boundary to the place of beginning.

AREA No. 22.

DISTRICT OF UMZINTO.

*Description.*—Farm Glenogle.

AREA No. 23.

DISTRICT OF UMZINTO.

*Description.*—Farms Gravesend, Mavis, Lot No. 25, Fountain Head, Crowder, Ellingham, W.S. 11 and W.S.10.

AREA No. 24.

DISTRICT OF CAMPERDOWN.

*Description.*—Farm Woody Glen.

AREA No. 25.

DISTRICT OF CAMPERDOWN.

*Description.*—Lots Nos. 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, B. C. D, E, F, G, and H of Riet-Vallei and Lot C of Kaffir Drift.



## AREA No. 26.

## DISTRICT OF PIETERMARITZBURG.

*Description.*—Farm Welverdiend.

## AREA No. 27.

## DISTRICT OF ESTCOURT.

*Description.*—Farms Mazwe and Camewood.

## [AREA No. 28.

## DISTRICT OF ESTCOURT.

*Description.*—Farm Hatting.

## AREA No. 29.

## DISTRICT OF ESTCOURT.

*Description.*—Lot A of Lammermoor.

## AREA No. 30.

## DISTRICT OF ESTCOURT.

*Description.*—Lot A of Draycott.

## AREA No. 31.

## DISTRICT OF BERGVILLE.

*Description.*—Farms Rookdale and Crowfield.

## AREA No. 32.

## DISTRICT OF BERGVILLE.

*Description.*—Farms Duddington, The Downs and Rosenstein.

## AREA No. 33.

## DISTRICT OF KLIP RIVER.

*Description.*—From the Northern beacon of the farm Roodepoort generally south-eastwards and north-westwards along the boundaries of and including the farms Roodepoort, Doornhoek, Rooival, Burford, Riversdale, Kirkintulloch, Riversdale, Rooival, Driefontein, Kleinfontein and Roodepoort to the place of beginning.

## AREA No. 34.

## DISTRICT OF INANDA.

*Description.*—Lots L, G, H, P, 3, S and A of the farm Piezang Rivier, Lots 15, 16, 18 and 19 of the farm Groeneberg and Lots 11 and 12 of the farm Riet Rivier.

## AREA No. 35.

## DISTRICT OF KRANTZKOP.

*Description.*—Farms "A" of Buffelshoek and Eimtonjeni.

## AREA No. 36.

## DISTRICT OF KRANTZKOP.

*Description.*—Farms Kranskop-Kloof, "A" of Kromplaats, Ekukotweni, Bethlehem, Nazareth, Ekutembeni and Edurumbeni.

## AREA No. 37.

## DISTRICT OF KRANTZKOP.

*Description.*—Farm Wittekrans.

## AREA No. 38.

## DISTRICT OF MSINGA.

*Description.*—Farm Allenholm.

## AREA No. 39.

## DISTRICT OF MSINGA.

*Description.*—Farm Ellesmere.

## AREA No. 40.

## DISTRICT OF MSINGA.

*Description.*—Farms Hollywood, B of Clontarff, Kolkloof and Sunset.

## AREA No. 41.

## DISTRICT OF HELPMEKAAR.

*Description.*—Farm Spendikron.

## AREA No. 42.

## DISTRICT OF DUNDEE.

*Description.*—Remainder of farm Klippoort.

## AREA No. 43.

## DISTRICTS OF DUNDEE AND NEWCASTLE.

*Description.*—From the north-eastern beacon of the farm Cork on the Buffalo River down the middle of that river to the south-eastern beacon of the farm Westport; thence generally westwards and north-westwards along the boundaries of and including the farms: Westport, Clones, Chester, Devon, Curragh, Perth, Lady Bank, Magdalena, Mount Johanna, Klip-Rots, Verdriet, Goudine, Hilltops, Annie and Cloneen, to the north-western beacon of the last-named farm; thence generally eastwards and south-eastwards along the boundaries of and including the farms: Cloneen, Drangan, Uitkyk South, Kilkeel, Jessie, Moy, Poona, Milford and Cork to the place of beginning.

## AREA No. 44.

## DISTRICTS OF DUNDEE AND NEWCASTLE.

*Description.*—The farms Cupar, Newport, Banff, Clifton, Greenock Blackbank, Naas, Clare, Ennis, Spook Mill and Spook Mill No. 2.



## AREA No. 45.

## DISTRICT OF NEWCASTLE.

*Description.*—The farms A of Johnstown, A of Blaauwboschlaagte and Cavan.

## AREA No. 46.

## DISTRICT OF NEWCASTLE.

*Description.*—The farms Suspense, Forvie, A of Jobstown and Masson-dale.

## AREA No. 47.

## DISTRICT OF NGOTSHE.

*Description.*—The farms Scheepersrust No. 65 and A of Mooiplaats No. 181, now known as Kambi.

## AREA No. 48.

## DISTRICTS OF PAULPIETERSBURG AND NGOTSHE.

*Description.*—The area defined within the following limits but excluding therefrom the farms Vlakplaats No. 249, Tambookiesdraai, Balmoral No. 255 and Bierkraal No. 262:—From the north-western beacon of the farm Goudrif No. 227, generally south-eastwards down the middle of the Pongola River to the junction of the Pivaan and Pongola Rivers; thence south-westwards up the middle of the Pivaan River to the northern beacon of the farm Draaiom No. 709; thence generally south-westwards along the boundaries of and including the farm Draaiom, No. 709, to its north-western beacon on the Pivaan River; thence generally north-eastwards, north-westwards, south-westwards and westwards along the boundaries of and including the farms Draaiom No. 709, Baviaanskranz No. 272, Doornhoek No. 264, Waterloo No. 276, Roodewal No. 257, Klienfontein No. 251 and Pivaanspoort (2) to the south-eastern beacon of the last-mentioned farm on the Pivaan River; thence generally westwards up the middle of the Pivaan River to the south-western beacon of the farm Weltevreden No. 215; thence generally north-eastwards along the boundaries of and including the following farms: Weltevreden No. 215, Reddersdal No. 225, Slangspruit No. 226, Naauwkloof, Verdriet, Zoetendal No. 244, Vaalkop No. 243, Frischge-waagd, Klipapruit, No. 228 and Goudrif No. 227 to the place of beginning.

## PART III.

## TRANSVAAL.

## AREA No. 1.

## DISTRICT OF LICHTENBURG.

*Description.*—Portion of Kunana No. 1, known as "Middleton Estate."

## AREA No. 2.

## DISTRICT OF LICHTENBURG.

*Description.*—From the south-western beacon of the farm Louisdal No. 387 on the Transvaal Provincial boundary generally north-eastwards along the Transvaal Provincial boundary to the north-eastern beacon of the farm Welverdiend No. 389; thence generally southwards, eastwards, north-eastwards, south-eastwards and south-westwards along the boundaries of and including the farms Welverdiend No. 389 aforesaid, Springbokpan No. 333, De Hoop No. 94, Shiela No. 49, Verdwaal No. 343, Stiglingspan No. 344, Kapsteel No. 375, Kaalpan No. 334, Brooksby No. 360, Lombaardslaagte No. 290, Vrede No. 311, Mooipan No. 310 and Doornlaagte No. 322 to the eastern beacon of Kuana Location No. 1; thence generally north-westwards along the boundary of but excluding the said Location to the place of beginning.

## AREA No. 3.

## DISTRICT OF LICHTENBURG.

*Description.*—That portion of the farm Rooijantjesfontein No. 71, not scheduled under Act No. 27 of 1913.

## AREA No. 4.

## DISTRICT OF LICHTENBURG.

*Description.*—The farms Vogelstruisknop No. 198, Holgat No. 104 and Omega No. 227.

## AREA No. 5.

## DISTRICT OF VENTERSDORP.

*Description.*—The farms Kwaggaslaagte No. 66 and Dunbar No. 159.

## AREA No. 6.

## DISTRICT OF VENTERSDORP.

*Description.*—The area comprising the farms Doornkop No. 156 Hartbeestlaagte No. 82, Ray No. 75, Zwartkop No. 48, Welgevonden No. 93, Nagel No. 32, Goedgevonden No. 3, Boschhoek No. 151, Wayland No. 119 and Thorn No. 116.

## AREA No. 7.

## DISTRICT OF VENTERSDORP.

*Description.*—The area comprising the farm Booyskraal No. 16 and that portion of Elandsfontein No. 19 not scheduled under Act No. 27 of 1913.

## AREA No. 8.

## DISTRICT OF VEREENIGING.

*Description.*—The area comprising that portion of the Evaton Estates Extension Township north of Union Road East (excluding only the portion south of Union Road East), portion of Evaton Small Farms to the north of Selborne Road and approximately 100 morgen of grazing ground attached to the Evaton Estates Extension Township.

? Rooijantjesfontein area



## AREA No. 9.

## DISTRICT OF MARICO.

*Description.*—From the north-western beacon of the farm Schuinsdam No. 131, generally north-eastwards along the Transvaal Provincial boundary to the north-eastern beacon of the farm Braklaagte No. 158; thence generally southwards, westwards and southwards along the boundaries of and including the farms Braklaagte No. 158, Nicolaasdoorns No. 157, western portion of Hartebeestfontein No. 195, Schoonlaagte No. 250, Kanfontein No. 249, Zwartkopfontein No. 328, Buitenkuil No. 244, Witkleigat No. 273, Driehoek No. 21, Driefontein No. 36, Witfontein No. 1, Brakpan No. 200, Buispoort No. 319 and Welverdient No. 201 to the south-eastern beacon of the last-named farm; thence generally north-westwards along the north-eastern boundary of but excluding Moiloa's Location to the Transvaal Provincial boundary; thence generally northwards along the Transvaal Provincial boundary to the place of beginning.

## AREA No. 10.

## DISTRICT OF MARICO.

*Description.*—Portion of the farm Syferfontein No. 299.

## AREA No. 11

## DISTRICTS OF MARICO AND RUSTENBURG.

*Description.*—The area falling within the following limits but excluding therefrom the farms De Paarl No. 437 and Geodgedacht No. 436.

From the north-western beacon of the farm Buffelsdrift No. 709 generally eastwards along the boundaries of and including the farms Buffelsdrift No. 709 aforesaid, Olifantshoek No. 122, Tambotiehoek No. 408, Lisbon No. 457, Spitskop No. 168, Goedehoop No. 438, Gansvley No. 111, Roodebloem No. 442, Welbezorgd No. 441 to the north-eastern beacon of the last-named farm; thence generally south-eastwards, north-westwards and north-eastwards along the boundaries of and including the farms Welbezorgd No. 441 aforesaid, Bedford No. 435, Syferbult No. 84, Doornlaagte No. 161, Boschkop No. 174, Bloemendal No. 439, Rhenosterkop No. 1048 and Cyferkuil No. 372 to the north-eastern beacon of the last-named farm; thence generally southwards, westwards, southwards, eastwards and south-eastwards along the boundaries of and including the farms Cyferkuil No. 372, Rhenosterkop No. 1048, Boschkop No. 174, aforesaid Witfontein No. 215, Vogelstruiskraal No. 347, Kraalhoek No. 516, Varkvlei No. 903, Turfbult No. 989, Spitskop No. 298, Nooitgedacht No. 281, Haakdoornfontein No. 169, Koedoespruit No. 572, Elandslaagte No. 809, Vygeboomspruit No. 1003 and Elandsfontein No. 510 to the south-eastern beacon of the last-named farm; thence generally westwards along the boundaries of and including the farms Elandsfontein No. 510 aforesaid, Hartbeestlaagte No. 724, Elandslaagte No. 809, La Patrie No. 1031, Zandfontein No. 729, Doornpoort No. 251 and that portion of Saulspoort No. 269 not included in Saulspoort Location to the boundary of the Saulspoort Location; thence along the boundary of the said Location so as to exclude it to the south-eastern beacon of the farm Koedoesfontein No. 818; thence generally south-westwards along the boundaries of and including the farms Koedoesfontein No. 818 aforesaid, Legkraal No. 725, Olivenfontein No. 745, Schaapkraal No. 12, Welgeval No. 749, Eton No. 156, Vogelstruisnek No. 602, Palmietfontein No. 567, Bakhoutrantje No. 1039, Tweelaagte No. 180, Gevonden No. 925, Davidskuil No. 142 to the southern beacon of the farm Turflaagte No. 272; thence along the boundaries of but excluding Mabi's Location as scheduled under the Natives' Land Act, 1913, to the south-eastern beacon of the farm Putsfontein No. 559; thence generally south-westwards along the boundaries of and including the farms Putsfontein No. 559 aforesaid, Koedoesrand No. 844, Vrieschgewaagd No. 1050, Zwartdoornlaagte No. 603, Leeuwkuil No. 250, Silverkrans No. 884 and Vrede No. 650 to the south-western beacon of the last-named farm; thence generally north-westwards and northwards along the boundaries of and including the farms Vrede No. 650 aforesaid, Turflaagte No. 113, Duikerbout No. 966, Bedford No. 657, Steenbokgat No. 612, Koffykraal No. 619, Brakkuil No. 118, Uitkyk No. 277, Misgund No. 34, Ongegund No. 270 and Nooitgedacht No. 35 to the south-eastern beacon of the farm Rooikoppiesfontein No. 123; thence along the boundaries of the farms Rooikoppiesfontein No. 123, Stryfontein No. 124, Rooikoppiesfontein No. 123 aforesaid, Zilkaatskop No. 122 and Nooitgedacht No. 221 so as to include them within the area to the north-eastern beacon of the last-named farm; thence generally northwards along the boundaries of and including the farms Welgevonden No. 552, Waterval No. 411, Naauwpoort No. 150 and Buffelsdrift No. 709 to the place of commencement.

## AREA No. 12.

## DISTRICT OF RUSTENBURG.

*Description.*—The farm Ledig No. 744.

## AREA No. 13.

## DISTRICT OF RUSTENBURG.

*Description.*—The eastern half portion of the farm Boschkoppie, No. 685, adjoining August Mokhatle's Location.

## AREA No. 14.

## DISTRICT OF RUSTENBURG.

*Description.*—That portion of the farm Kookfontein No. 337 not scheduled under Act No. 27 of 1913.

## AREA No. 15.

## DISTRICT OF RUSTENBURG.

*Description.*—That portion of the farm Rhenosterfontein No. 887, lying to the south of the Elands River.



## AREA No. 16.

## DISTRICT OF RUSTENBURG.

*Description.*—The area comprising the following farms: Rietspruit No. 419, Doornspruit No. 646, Open Ground, Roodekraalspruit No. 592, Zwartbank No. 494, Klipgatkop No. 369, Diepkuil No. 383 and Welbekend No. 738.

## AREA No. 17.

## DISTRICT OF RUSTENBURG.

*Description.*—The farm Rooyewal No. 751.

## AREA No. 18.

## DISTRICTS OF RUSTENBERG AND BRITS.

*Description.*—The area comprising the farms Welgevonden No. 26, portion of Zanddrift No. 62, and those portions of the farm Waaikraal No. 206 not scheduled under the Natives Land Act, 1913.

## AREA No. 19.

## DISTRICT OF RUSTENBURG.

*Description.*—The farm Leeuwpen No. 1047.

## AREA No. 20.

## DISTRICT OF RUSTENBURG.

*Description.*—That portion of Modderspruit No. 697 which is not scheduled Native area under Act No. 27 of 1913, as amended.

## AREA No. 21.

## DISTRICTS OF PRETORIA, WATERBERG AND BRITS.

*Description.*—The area falling within the following limits but excluding therefrom Makapan's, Zwartbooi's and Mamogalie's Locations as scheduled under Act No. 27 of 1913:—

From the north-western beacon of the farm Paalkraal No. 311 generally in an easterly direction along the boundaries of and including the farms Paalkraal No. 311 aforesaid, Waterval No. 647, Ruigtesloot No. 1003, Haakdoornlaagte No. 339, Slagtboom No. 1190, Transactie No. 939, Vogelstruispan No. 740, Zwartboom No. 952, Doorndraai No. 1077, Syferkuil No. 473, Rhenostervalei No. 742, and Uitval No. 741, to the south-western beacon of the last-named farm; thence generally in a south-easterly direction along the boundaries of and including the farms Haakdoornbult No. 344, Buffelsdrift No. 131, Goedgewaagd No. 624, Witgatboom No. 623, Wynandskraal No. 154, Boschplaats No. 507 and Leeuwkraal No. 396, to the south-eastern beacon of the last-named farm; thence generally south-westwards along the boundaries of and including the farms Leeuwkraal No. 396 aforesaid, Tweefontein No. 275, Zandkopzynaagte No. 345, Stinkwater No. 585, Bezuidenhoutskraal No. 517, De Wig No. 362, Kromkuil No. 122, Klipgat No. 11, Klippan No. 54, Eersteregt No. 464, Klipgat No. 355, Tyne No. 115, Kameelfontein No. 51, Sjambokzynaal No. 52 to the south-eastern beacon of the last-named farm; thence generally westwards and north-westwards along the boundaries of and including the farms Sjambokzynaal No. 52 aforesaid, Uitvalgrond No. 76, Oskraal No. 437, Kleinfontein No. 7, Klipgat No. 52, Rietgat No. 15, Waterval No. 58, Tinnie No. 23, Rooinek No. 83, Vaalboschsloot No. 1, Roodekuil No. 2, Buffelsdraai No. 48 and Buffelspoort No. 3, to the north-western beacon of the last-named farm; thence generally eastwards and northwards along the boundaries of and including the farms Buffelspoort No. 3 aforesaid, Buffelsdraai No. 48, De Mond van Blokspruit No. 4, Klipvoor No. 8, Ruigtepoort No. 1373 and Paalkraal No. 311 to the point of commencement.

## AREA No. 22.

## DISTRICT OF WATERBERG.

*Description.*—The farm Bossche-Diesch No. 512, on the Palala River.

## AREA No. 23.

## DISTRICT OF POTGIETERSRUST.

*Description.*—From the northern beacon of the farm Rietfontein No. 624, generally south-eastwards along the boundaries of and including the farms Rietfontein No. 624 aforesaid, Rob Roy No. 967, Registratie No. 984, Honey No. 968, Friendship No. 966, Hugo de Groot No. 981, Van Leeuwen No. 979, Haakdoornkuil No. 988 (formerly Kitty), Wagener'svley No. 925, Everywhere No. 900, Harry Smith No. 772, Otherworld No. 812, Arnhem No. 1023 and Ballymore No. 364 to the south-western beacon of the last-named farm on the Palala River; thence generally north-westwards down the middle of the Palala River to the western beacon of the farm Kafferskraal No. 381; thence generally northwards along the boundaries of and including the farms Kafferskraal No. 381, Kwikstaart No. 345 and Rietfontein No. 624, to the place of beginning.

## AREA No. 24.

## DISTRICTS OF POTGIETERSRUST AND PIETERSBURG.

*Description.*—The area falling within the following limits but excluding therefrom Malaboch's Location and Matala's Location scheduled under Act No. 27 of 1913, as amended:—

From the north-western beacon of the farm Goudmyn No. 1726, on the Magalakwin River, generally eastwards along the boundaries of and including the following farms: Goudmyn No. 1726, Eldorado No.



1095, Fontaine du Champ No. 1106, Stolzenfels No. 1107, Marienstein No. 1117 and de Vrede No. 1118 to the north-eastern beacon of the last-named farm; thence generally southwards along the boundaries of and including the farm de Vrede aforesaid, and the farms Lovely No. 1119, Edwindsdale No. 1120, Glenferness No. 1121, The Glade No. 1076, The Bul Bul No. 1059, Pickum No. 1052, Wuppertoe No. 1032, Drensteinpest No. 1028, Borkum No. 1019, Poplar No. 1008, Koekoek No. 1007, Weltevreden No. 1006, Lissa No. 1003, Westheim No. 983, Persie No. 982, Van Wyk's Put No. 841, western portion of Palmietfontein No. 709, Groot Geluk No. 884, Lodewyksvlei No. 798, Roodeput No. 700, and Wachteenbeetjebosch No. 1669, to the south-eastern beacon of the last-named farm on the boundary of Malietzie's Location; thence generally westwards, southwards and south-eastwards along the boundary of but excluding Malietzie's Location to the north-eastern beacon of the farm Vaalkop No. 813; thence generally south-westwards, south-eastwards, north-westwards and south-westwards along the boundaries of and including the farms Vaalkop No. 813 aforesaid, Doornspruit No. 816, Uitvlugt No. 815, Waterplaats No. 808, Waterplaats No. 855, Waterplaats No. 794, Glen Roy No. 71, Doornfontein No. 1652, Mars No. 819, Zuid-Brabant No. 344, Rietfontein No. 257, Bultongfontein No. 325 and portion of Tweefontein No. 1033 to the south-eastern beacon of the last-named farm; thence generally north-westwards along the boundaries of but excluding Valtyn Makapan's Hans Masibi's and Hendrik Bakeberg Masibi's Locations to the south-eastern beacon of the farm Doornfontein No. 660 on the Magalakwin River; thence down the Magalakwin River to the point of commencement.

AREA No. 25.

DISTRICTS OF ZOUTPANSBERG AND PIETERSBURG.

*Description.*—The area falling within the following limits but excluding therefrom the farms Bali No. 1309, Feskraal No. 1310, Charlotte No. 1311, Hetty No. 1312, Doppie No. 1313, Folorodowe No. 1314 and Cross No. 1318 and the undermentioned locations scheduled under Act No. 27 of 1913, as amended:—

Makuleka's Location, Mhinga's Location No. 285, Mhinga's Location Extension No. 1251, Tshikundu's Location No. 284, Tshikundu's Location Extension No. 1250, Paswane's Location No. 283, Segalo's Location No. 1217, Chibase Location No. 466, Mpapuli's Location No. 1008, Knobnose Location, Tabaan's Location No. 315, Lomondo's Location No. 462, Tengwe's Location No. 282, Ramputa's Location No. 281, Khaku Location No. 463, Tonondwe Location No. 464, Mpefu's Location No. 467, Msekwa's Location No. 1316, Makuba's New Location and Mamahiela's Location:—

From the junction of the Mwanedzi and Limpopo Rivers down the Limpopo to its junction with the Pafuri River; thence generally south-westwards and south-eastwards along the western boundary of but excluding the Kruger National Park to the junction of the Klein Letaba and Groot Letaba Rivers; thence westwards up the middle of the Groot Letaba River to the north-western beacon of the farm Prieska No. 1135; thence in a direct line to the north-eastern beacon of the farm Miragoma No. 242; thence generally in a westerly direction along the boundaries of and including the farms Vallebrosa No. 237, Mawa No. 236, Gamela No. 235, Sirulurul No. 239, Runnymede No. 238, and Meadowbank No. 243 to the south-western beacon of the last-named farm; thence along the eastern boundary of but excluding Modjadje's Location to the south-western beacon of the farm Vlakfontein No. 367; thence generally in a north-westerly direction along the boundaries of and including the farms Vlakfontein No. 367, Proesfontein No. 772, Vlakfontein No. 770, Rotterdam No. 365, Zeekoewater No. 19, Crystalwater No. 49, Vaalwater No. 23, Grootfontein No. 50, Nootgedacht No. 56, Voorspoed No. 57, Goedverwacht No. 31, Haenertskloof No. 2543, Kleinfontein No. 2541, Donkerhoek No. 1930, Kleinfontein No. 2541, Haenertskloof No. 2543, Honingfontein No. 2578; thence generally north-eastwards along the boundaries of and including the farms Rivierplaats No. 952, Rossbach No. 974, Waterval No. 118, Styldrift No. 364, Wolferoode No. 311, Welgevonden No. 216, Klipfontein No. 109, Madrid No. 112, Barotta No. 65, to the northern beacon of Klein-Australie No. 361; thence north-westwards along the boundaries of and including the farms Lisbon No. 314, Cadiz No. 428, Bergplaats No. 426 and Bloemfontein No. 425, to the northern beacon of the last-named farm; thence eastwards and northwards along the boundaries of and including the farms Greystone No. 424, Stony Edge No. 430 and M'Psema No. 432 to the south-eastern beacon of Mpefu's Location No. 467; thence westwards along the location boundary to the south-eastern beacon of the farm Baobab No. 422; thence generally westwards along the boundaries of and including the farms Baobab No. 422 aforesaid, Mapela No. 420, Setooni No. 419, Serolle No. 399, Drylands No. 398, Mapani No. 397 and Paradise No. 384 to the north-eastern beacon of the last-named farm; thence northwards and eastwards along the boundary of Mpefu's Location No. 467 to the south-western beacon of the farm Fripp No. 1102; thence along the boundaries of and including the farm Fripp No. 1102 aforesaid and Kilimanjaro No. 1110, to the south-eastern beacon of the last-named farm; thence along the boundary of Mpefu's Location to the N'jelele River; thence down the middle of the N'jelele River to its junction with the M'Fungudi River; thence up the middle of the M'Fungudi River to the north-eastern beacon of Msekwa No. 1315; thence generally northwards and north-eastwards along the boundaries of and including Scrutton's Lease, Thiel No. 1192, Nicholson No. 1197, Van Graan No. 1198 and Scrutton's Lease to the junction of the Peerpi and the Mwanedzi Rivers; thence down the Mwanedzi River to the point of commencement.

AREA No. 26.

DISTRICT OF PIETERSBURG.

*Description.*—The farms Meidingen No. 380 and Reuter No. 256, adjoining Modjadje's Location.



## AREA No. 27.

## DISTRICT OF PIETERSBURG.

*Description.*—Farm Beaconsfield No. 2022 adjoining Mohlaba's Location.

## AREA No. 28.

## DISTRICT OF PIETERSBURG.

*Description.*—The area comprising the following farms adjoining Mogoboya's Location: Farms Craighead No. 2557, Coombe Bank No. 2345, Letsitele No. 2346 and the south-east corner, one hundred morgen in extent, of the farm Monavein No. 2478.

## AREA No. 29.

## DISTRICT OF PIETERSBURG.

*Description.*—The area comprising the following farms:—Berlyn No. 331, Sedan No. 323, Bonn, No. 317, Keulen No. 324, York No. 2407, Kingston No. 2406, Coblentz No. 315, Burgersdorp No. 169, Bordeaux No. 160, Julesburg No. 170, Sedan No. 157, and Tours No. 162.

## AREA No. 30.

## DISTRICT OF PIETERSBURG.

*Description.*—The following lots adjoining Matabata's Location: Lots Nos. 252, 261 and 264.

## AREA No. 31.

## DISTRICT OF POTGIETERSRUST.

*Description.*—The farms Taaiboschlaagte No. 788, Volop No. 962, Gewenscht No. 628, Keulen No. 961, Madras No. 960, Charlotte's Dale No. 733, Charlotte's Lust No. 732 and The Smugglers Union No. 447, adjoining Zebediela's Location.

## AREA No. 32.

## DISTRICTS OF PIETERSBURG, LYDENBURG, PILGRIMS REST, BARBERTON, MIDDELBURG, PRETORIA AND WATERBERG.

*Description.*—The area falling within the following limits but excluding therefrom M'Phatlele's Location, Sekororo's Location, Geluk's Location, Sequati Location and Pokwane Location as scheduled under Act No. 27 of 1913:—

From the south-western beacon of the farm Groothoek No. 735, on the northern boundary of Zebediela's Location generally northwards, north-eastwards and south-eastwards along the boundaries of and including the farms Groothoek No. 735, Rooiboschbaak No. 1626, Platnek No. 1627, Schuinsrand No. 494, Gladdepunt No. 493, Doornhoek No. 506, Uitkyk No. 479, Longkrans No. 554, Kransrand No. 586, Steenrots No. 557, Tijgerkloof No. 558, Gramdoel No. 481, Driekant No. 1553, Onverwacht No. 482, Baviaanskloof No. 483, Nooitgedacht No. 485, Langplaats No. 602, Rietfontein No. 585, Deelkraal No. 487, Holkloof No. 1581, Driekloof No. 465, Middelrand No. 480, Wonderkop No. 503, Toornkop No. 463 and Tijgerpoort No. 542 to the eastern beacon of the last-mentioned farm; thence down the middle of the Olifants River to the south-eastern beacon of Mafefe's Location; thence generally north-eastwards, eastwards, north-westwards and south-eastwards along the boundaries of and including the farms Nice No. 2645, Eton No. 2644, Cork No. 2643, Dalton No. 2646, Kiel No. 2650, Helvetia No. 2653, Hounslow No. 2656, Gibraltar No. 2658, Balloon No. 186, Lorraine No. 183, Metz No. 165, Enable No. 159, Worcester No. 164 and The Willows No. 177, to the southern beacon of the last-named farm; thence generally north-westwards, south-westwards and south-eastwards along the boundary of but excluding Mabin's Location to the north-western beacon of the farm Foschabers No. 459; thence generally south-eastwards along the boundaries of and including the farms Foschabers No. 459 aforesaid, Anlage No. 491, Nooitgedacht No. 20, California No. 64, Steenveld No. 10, Diepkloof No. 45, Blyde-rivierpoort No. 512, Glenlyden No. 371, Brooklyn No. 546, Greenvalley No. 669, Acornhoek No. 670, Okkernootboom No. 427, Andover No. 246, Leamington No. 254, Welverdiend No. 414, Middelin No. 106, Hermitage No. 449, Gottenberg No. 401, Seville No. 53, Utha No. 56, Othawa No. 55, Ravenscourt No. 49, Castleton No. 268, Justicia No. 269, Huntingdon No. 52, and Lisbon No. 62, to the south-eastern beacon of the last-named farm; thence westwards up the Sabi River to the north-eastern beacon of Lot No. 146, Section F, Barberton District; thence generally southwards along the boundaries of and including the following lots in Section F:—146, 147, 142, 201, and 156 to the north-eastern beacon of Lot No. 173 in Section F; thence southwards down the Logies River to the south-eastern beacon of Lot No. 367 in Section E; thence generally south-westwards along the boundaries of and including the following lots in Section E:—367, 366, 370, 372 and 347 to the south-eastern beacon of Lot No. 347; thence generally north-westwards up the Crocodile River to the south-western beacon of Lot No. 346; thence generally northwards and north-westwards along the boundaries of and including the following properties in Section E:—Lots Nos. 346, 334, 335, 336, 337, 308, 300, 285, 283, 280, 276, 274, 192, 194, 146, 145, 196, 198, 199, 200, 202, and the farm Engelbrechtshoop No. 112, to the north-western beacon of the last-named farm; thence northwards along the boundaries of and including Lots 134 and 135 in Section F to the north-western beacon of the last-named lot on the North Zand River; thence generally northwards down the North Zand River to the northern beacon of Lot No. 138 on the North Zand River; thence generally north-eastwards along the boundaries of and including the following lots in Section F:—Nos. 138, 139, 140, 141, 142, 143, to the northern beacon of the last-named lot on the North Zand River; thence down the North Zand River to its junction with the Sabi River; thence generally north-westwards along the boundaries of the following farms so as to include them:—Madras No. 50, Alexandria No. 257, Cuning Moor No. 272, Croquet Lawn No. 274, Xanthis No. 277, Dwarsloep No. 249, London



No. 361, Onverwacht No. 362, Vooruitzicht No. 363, Welgevonden No. 364, Hebron No. 359, Salique No. 594, Mulford No. 77, Dientje No. 506, Clermont No. 230, Sterkspruit No. 97, California No. 64 and Nooitgedacht No. 20, to the south-western beacon of the last-named farm; thence generally westwards along the boundaries of and including the following farms:—Ardwick No. 452, Klipfontein No. 43, Painshill No. 419, and Oldham No. 433, to the south-western beacon of the last-named farm; thence north-eastwards along the boundaries of and including the farms Oldham No. 433 aforesaid, Valenciennes No. 175, and Condor No. 185, to the south-eastern beacon of the farm Onverwacht No. 301; thence north-westwards along the boundaries of and including Onverwacht No. 301 aforesaid and Kromelleboog No. 387 to the western beacon of the last-named farm; thence generally south-westwards along the boundaries of and including the farms Diepkloof No. 389, Zonneschijn No. 392, Frankfort No. 385, Rooiboklaagte No. 396, Schlickmannskloof No. 12, Derdegelid No. 9, Derdegelid No. 141, Hendriksplaats No. 357, Onverwacht No. 330, Nooitverwacht No. 137, Het Fort No. 317, Corndale No. 21, Landsend No. 49, Ironstone No. 238, and Aapiesboom No. 229, to the eastern beacon of the last-named farm; thence in a south-westerly direction along the boundaries of and including Aapiesboom No. 229 aforesaid, Driehoek No. 87, Roodepoort No. 448, Eenzaam No. 462, Spitskop No. 463, Syferfontein No. 468, and Dwars-in-de-Weg No. 471 to the southern beacon of the last-named farm; thence generally westwards, north-westwards, westwards and southwards along the boundaries of and including the farms Goedgedacht (Goede-hoop) No. 279, Vaalkopfontein No. 491, Vlakfontein No. 537, Sterkfontein No. 497, Boekenhoutkloof No. 488, Tafelkop No. 500, Hartbeestfontein No. 447, Welgelegen No. 186, Brakfontein No. 51, Rondavel No. 86, Scherp Arabie No. 367, Uyskraal No. 228, Elandsdrift No. 483, Elandslaagte No. 269, Kleinklipput No. 596, and portion of Vaalfontein No. 415 to the Moss River; thence up the Moss River to where it cuts the south-western boundary of the farm Oude Stad van Maleeuw No. 564; thence to the southern beacon of the last-mentioned farm; thence in a direct line through the middle of Uitzoek No. 250, to the northern beacon of the farm Klipfontein No. 241; thence generally eastwards, southwards, westwards and north-westwards along the boundaries of and including the farms Klipfontein No. 241 aforesaid, Buffelfontein No. 259, Kwarrielaagte No. 356, Waterkloof No. 285, Kwarrielaagte No. 356, the eastern portion of Elandsdoorn No. 225, Uitspanning No. 9, Kikvorschfontein No. 1, Goedereede No. 348, Zoetemelksfontein No. 322, Klipplaatdrift No. 395, Pieterskraal No. 418, Wolvenkraal No. 560, Koraanbult No. 117, Kameelrivier No. 231, Rhenosterkop No. 463, Bloedfontein No. 515, De Beersput No. 388, Troya No. 603, Rooikoppen No. 477, Wynruit No. 590, Droogegrond No. 598, Witlaagte No. 445, Bultfontein No. 472, Zandfontein No. 26, Pankoppen No. 505, to the north-western beacon of the last-mentioned farm; thence generally in a north-easterly direction along the boundaries of and including the farms Pankoppen No. 505, Zandfontein No. 26, Bultfontein No. 472 and Witlaagte No. 445 aforesaid and the farms Rooifontein No. 378, Kalkfontein No. 570, De Putten No. 1127 and Opgeruimd No. 764 to the north-eastern beacon of the last-named farm on the boundary of Mabane's Location; thence generally south-eastwards and north-eastwards along the boundary of but excluding the said Location to its south-eastern beacon; thence generally north-eastwards along the boundaries of and including the farms Bloedfontein No. 515, Tweefontein No. 268, Witfontein No. 350, Klipsyfering No. 353, Tambotielaaagte No. 364, Elandsdrift No. 483, Uyskraal No. 228, Scherp Arabie No. 367, Rooibokkop No. 491, Ongezien No. 408, Nooitgezien No. 405, Klipspruit No. 161, Roodekopje No. 404, Klipkloof No. 445, Vooruitzicht No. 440, Goedvertrouwen No. 395, Buffelfontein No. 381, Kopjealleen No. 349, Hopefield No. 346, Korenkopje No. 345 and Vergenoegd No. 255, to the northern beacon of the last-mentioned farm; thence in a direct line northward through the middle of the farm Nooitverwacht No. 253, so as to include the eastern portion thereof to a point on the south-western boundary of Magalies Location; thence generally south-eastwards north-eastwards, north-westwards and south-westwards along the boundary of but excluding the said Location to the southern beacon of the farm Veeplaats No. 220; thence generally westwards along the boundaries of and including the farms Veeplaats No. 220 aforesaid, Adriaansdraai No. 739 and Byldrift No. 738 to the south-eastern beacon of Zebediela's Location; thence generally north-westwards and south-westwards along the boundary of but excluding the said Location to the place of beginning.

*excludes Stelfontein  
except for mountains -  
unless country near Klipfontein  
river junction.*

*Aapiesboom is good  
but the owner will  
fight to get it excluded.*

AREA No. 33.

DISTRICT OF BARBERTON.

Description.—Farm Tenbosch No. 234.

AREA No. 34.

DISTRICT OF BARBERTON.

Description.—From the western beacon of the farm Jeppes Reef No. 15 on the Transvaal Provincial boundary generally north-eastwards and south-eastwards along the boundaries of and including the farms Jeppes Reef No. 15, Schoemansdal No. 13, Middelpaats No. 12, and Boschfontein No. 9, to the north-eastern beacon of the last-named farm, thence generally north-eastwards along the eastern boundaries of but excluding the farms Langelooop No. 8, Vlakplaats No. 111, Vlakbult No. 106 and Ringgatlaagte No. 105 to the point where the Lomati River intersects the eastern boundary of the last-named farm; thence down the Lomati River to its junction with the Komati River; thence up the Komati River to a point on the river opposite the south-western beacon of the farm Beginsel No. 445, thence along the southern boundaries of, but excluding the farms Beginsel No. 445, and Gembok No. 447 to Beacon G.T.S. 16P, called Kobinja, on the Transvaal Provincial boundary, thence south-eastwards, south-westwards and north-westwards along the Transvaal Provincial boundary to the point of commencement.



## AREA No. 35.

## DISTRICT OF WAKKERSTROOM.

*Description.*—The farms Daggakraal No. 161 and Vlakplaats No. 340.

## AREA No. 36.

## DISTRICT OF WAKKERSTROOM.

*Description.*—The farm Driefontein No. 331.

## AREA No. 37.

## DISTRICT OF PIET RETIEF.

*Description.*—From the point where the western boundary of the farm Belgrade No. 86 extended in a straight line north-eastwards would intersect the Transvaal-Swaziland boundary, generally south-eastwards along that boundary to the north-eastern beacon of the farm Punguin No. 161; thence along the eastern boundary of the said farm to the Pongola River; thence up the middle of the Pongola River to the western beacon of the farm Gunsteling No. 21; thence generally north-eastwards, south-eastwards and north-eastwards along the boundaries of and including the farms Gunsteling No. 21 aforesaid, Prudentie No. 22, Oranjedal No. 25, Tobolsk No. 81, and Belgrade No. 86 to its north-western beacon; thence in a direct line to the point of commencement.

## PART IV.

## ORANGE FREE STATE.

## AREA No. 1.

## DISTRICT OF THABA 'NCHU.

*Description.*—The farm New York No. 12 as originally defined.

## AREA No. 2.

## DISTRICT OF THABA 'NCHU.

*Description.*—From the northern beacon of the farm Motsoakae generally eastwards along the boundaries of and including the farms: Motsoakae No. 449; Bloemspruit No. 72, Potsane No. 75, Liboba No. 59, Makoto No. 136, Abramskraal No. 65, Paradys No. 358, Leeuwfontein No. 129, Segopocho No. 508, Moroto No. 68, Somerset No. 55, to the northern beacon of the last-named farm; thence generally south-westwards along the boundaries of and including the following farms: Somerset No. 55, Matlapaneng No. 455, Meloendrift No. 128, Boikhuco No. 507, Walhoek No. 116, Bittervley No. 115, Middelerf No. 114 to the south-western beacon of the last-named farm; thence generally north-westwards along the boundary of but excluding the Thaba 'Nchu Native Reserve to the north-eastern beacon of the farm Liboba No. 59; thence along the boundaries of and including the following farms: Liboba No. 59, Potsane No. 75, Bloemspruit No. 72 and Motsoakae No. 449, to the place of beginning.

## AREA No. 3.

## DISTRICT OF THABA 'NCHU.

*Description.*—From the north-western beacon of the farm Victoria No. 127, generally eastwards and south-eastwards along the boundaries of and including the following farms: Victoria No. 127, Groothoek No. 125, Dakpoort No. 117, Bastardspost No. 147, Goede Hoop No. 70, Tweefontein No. 82, Brandkop No. 78, Balaclava No. 166, Naauwpoort No. 74, Strathearn No. 396, Thaba Patchoa No. 106, to the south-eastern beacon of the last-named farm; thence generally south-westwards and north-westwards along the boundaries of and including the following farms: Thaba Patchoa No. 106, Aberfoyle No. 157, Naauwpoort No. 74, Balaclava No. 166, Brandkop No. 78, Rietfontein No. 119, Klipfontein No. 110, Rietfontein No. 119, Gamabetoe No. 102, Gladstone No. 80, Wildebeestspruit No. 77, Brakfontein No. 140, Khabanyana No. 57 and Victoria No. 127, to the place of beginning.

## AREA No. 4.

## DISTRICT OF HARRISMITH.

*Description.*—The farm Eerste Zending adjoining Witzieshoek Native Reserve.

## Second Schedule.

## PROVISIONS AS TO FENCING REFERRED TO IN SECTION TWENTY-ONE OF ACT.

## PART I.

1. (1) Whenever the Trust or a native acquires in a released area, from a person other than a native, land which is surrounded by land held by a person or persons other than a native, the Trust shall, whenever thereto required by the holder of any portion of such surrounding land, erect a fence along the boundaries of such first-mentioned land. It shall also maintain such fence in good repair.

(2) Whenever the Trust or a native acquires in a released area, from a person other than a native, land which on one or more sides, but not on all sides adjoins land held by a person or persons other than a native, the Trust shall, whenever thereto required by any holder of any such adjoining land, erect a fence along the boundaries of such first-mentioned land. It shall also maintain such fence in good repair.

The natives may be the first to demand a fence to define boundary & to prevent white man's stock destroying their lands & grazing.



The Trust shall be entitled to recover from the person requiring it to erect a fence under this sub-paragraph one half of the cost of the erection and of its maintenance in good repair.

2. Whenever a person other than a native acquires in a released area land from a native, then—

(a) if such land is surrounded by land held by the Trust or by a native or natives, such person shall *mutatis mutandis* be under the same obligation as the Trust under paragraph 1 (1) of this part of this Schedule and the Trust or the native or natives, as the case may be, holding the land surrounding the land so acquired, shall have the same rights *mutatis mutandis* as the holders of surrounding land referred to in that paragraph : and

(b) if the land so acquired is bounded on one or more, but not on all sides by land held by the Trust or by a native or natives, such person shall have the same obligations and rights as the Trust or a native acquiring land in the circumstances described in paragraph 1 (2) of this part of this Schedule, and the Trust or the native or natives, as the case may be, holding the land adjoining the land so acquired shall have the same rights and obligations *mutatis mutandis* as the holders referred to in that paragraph.

3. If any person fails to carry out his obligations under paragraph 2 of this part of this Schedule, the holder of the land in respect whereof the obligation exists may, by written notice, require such person to carry out his obligation within a reasonable time thereafter, and if such person fails to comply with the requirements within the period specified in the notice the Trust may erect or, as the case may be, put in repair the fence.

Any cost or expenditure thus incurred necessarily shall be recoverable by the Trust from the person in default.

4. When land is acquired after the commencement of this Act by a native outside a released area or a scheduled native area, with or without conditions imposed by the Governor-General, the provisions of paragraph 1 of this part of this Schedule shall *mutatis mutandis* apply so long as the land adjoining the land so acquired is in the occupation of a person other than a native.

5. Where a person is required or is under an obligation under paragraph 2 of this part of this Schedule to erect a fence or to maintain it in proper repair, such fence shall be regarded for the purposes of the Land Bank Acts as a fence in respect of which advances may be made to defray the costs of erection and maintenance.

6. A magistrate's court shall have jurisdiction to hear and determine any claim in respect of the erection and maintenance of fencing arising out of the provisions of this part of this Schedule.

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PART II.

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7. (1) Whenever a native or the Trust holds land which adjoins land held by a person other than a native (whether or not such last-mentioned land is within a scheduled native area or a released area), the Minister may, by written notice, require such native or the Trust, as the case may be, to erect within a period specified therein a fence along the whole of the boundary thereof or along any such part of that boundary as the Minister may in the notice specify. The Minister may, by further written notice, require such native or the Trust to place such fence in a proper state of repair within a period specified in the notice.

(2) No requirement shall be made by the Minister under sub-paragraph (1)—

(a) unless the native referred to therein or any other native who is, with the consent of the owner or the Trust, upon the land has been convicted of—

(i) theft from an adjoining holder ; or

(ii) assault upon any adjoining holder or upon any person lawfully upon his property ; or

(iii) wilful trespass upon the adjoining land ; or

(iv) unless the Minister is satisfied after enquiry that the land held by the native or the Trust referred to in sub-paragraph (1) is used for any unlawful purpose, or in such manner as unlawfully to prejudice the holder of any adjoining land or of land near thereto.

8. (1) Whenever any person other than a native holds land which adjoins land held by the Trust or by a native other than a servant or a labour tenant (whether or not such last-mentioned land is within a scheduled native area or a released area), the Minister may by written notice require the owner of such first-mentioned land to erect, within a period specified therein, a fence along the whole of the boundary of the land owned by him or along any such part of that boundary as the Minister may in the notice specify. The Minister may, by further written notice, require such owner or his successor in title, not being a native, to place such fence in a proper state of repair within a period specified in the notice.

This will produce plenty of litigation. I speak from experience



(2) No requirement shall be made by the Minister under subparagraph (1)—

(a) unless the person to whom it is addressed or any person who with his consent, is upon the land referred to in the notice has been convicted of—

(i) theft from a native who holds land adjoining such land ; or

(ii) assault upon any such native or upon any person lawfully upon the land of such native ; or

(iii) wilful trespass upon such adjoining land ; or

(b) unless the Minister is satisfied after enquiry that the land held by the person to whom it is addressed is used for any unlawful purpose or in such manner as unlawfully to prejudice the holder as aforesaid of any adjoining land or of land near thereto.

(3) Any person other than the Trust to or in respect of whom any such requirement is issued who fails to comply therewith shall be guilty of an offence, and the fence which he has failed to erect or repair may be erected or repaired on an order of the Minister out of public funds, and the Minister may recover the costs and expenditure incidental to the erection and repair from such person.

### PART III.

9. In this Schedule "fence" means in relation to any piece of land a fence erected on or as near as possible to the boundary thereof, and separating such piece of land from the adjoining piece, and means an ordinary stock proof (but not vermin proof) fence of the specifications prescribed by regulation.

### Third Schedule.

#### LAWS REPEALED.

Province.	No. and year of law.	Title or subject of law.	Extent of repeal.
Cape of Good Hope	Act No. 5 of 1899	The Native Labour Locations Act, 1899.	The whole.
"	Act No. 44 of 1908	The Establishment of Native Townships Act, 1908	The whole.
"	Act No. 32 of 1909	The Private Locations Act, 1909	So much as is unrepealed.
Natal	Law No. 2 of 1855	To prevent unlicensed squatting and to regulate the occupation of land by natives	The whole.
"	Law No. 41 of 1884	The Squatters Rent Law	The whole.
"	Act No. 48 of 1903	To amend the Squatters Rent Law of 1884	The whole.
Transvaal.	Law No. 21 of 1895	Law relating to native squatters	The whole. — <i>Good. It was a bad old law.</i>
Orange Free State	Chapter XXXIV of the Law Book	To determine the rights of coloured people in respect of fixed property	The whole, in so far as it affects natives. <i>Unfortunately Sections of this Bill 28, 29, 30 re-include its worst points.</i>
"	Chapter CXXXIII of the Law Book	To suppress stock thefts, vagrancy and the congregation of coloured persons	Sections <i>nineteen, twenty-one, twenty-two, twenty-nine, thirty, thirty-six, thirty-seven, thirty-nine, and forty-one,</i> in so far as any of those sections affect natives.
"	Law No. 4 of 1895	To supplement and amend Part 2, Chapter CXXXIII of the Law Book	Sections <i>nine to seventeen inclusive,</i> and sections <i>nineteen, twenty and twenty-three</i> in so far as any of those sections affect natives.



Province.	No. and year of law.	Title or subject of law.	Extent of repeal.
Union ..	Act No. 1 of 1912	Natal Native Trust and Native Administration Amendment Act, 1912	The whole.
.. ..	Act No. 27 of 1913	Natives Land Act, 1913	In sub-section (1) of section <i>one</i> the deletion of the words "until Parliament acting upon the report of the commission appointed under this Act shall have made other provision"; sub-section (3) of that section; sections <i>two, three, four, six and seven</i> ; in sub-section (1) of section <i>eight</i> the deletion of paragraphs (a) and (f) and sub-section (2) of that section; and the deletion from section <i>ten</i> of the definitions of "farm labourer", "minister", "native", "scheduled native area".
.. ..	Act No. 26 of 1926	Masters and Servants Law (Transvaal and Natal) Amendment Act, 1926	The whole.
.. ..	Act No. 24 of 1932	Native Service Contract Act, 1932	Sections <i>seven and nine</i> .



**BILL**

**APPENDIX.**

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**[B]**

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**UNION OF SOUTH AFRICA.**

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**Representation of Natives Bill.**

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**BILL**

TO

Prohibit the further registration of natives as Parliamentary voters; to make additional provision for the representation of natives in the Senate; to provide for the establishment of a Natives Representative Council for the Union; to define the functions, powers and duties of the said Council; to provide for the representation of natives in the Provincial Council of the Province of the Cape of Good Hope; to prescribe what courts shall have jurisdiction to hear election petitions; and to provide for the declaration of certain persons to be non-natives, and for other incidental matters.



## BILL

**To prohibit the further registration of natives as Parliamentary voters ; to make additional provision for the representation of natives in the Senate ; to provide for the establishment of a Natives Representative Council for the Union ; to define the functions, powers and duties of the said Council ; to provide for the representation of natives in the Provincial Council of the Province of the Cape of Good Hope ; to prescribe what courts shall have jurisdiction to hear election petitions ; and to provide for the declaration of certain persons to be non-natives, and for other incidental matters.**

**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:—

### PRELIMINARY.

- No further registration of native voters.      **1.** (1) No native who, at the commencement of this Act, is not registered as a parliamentary voter in the Union shall be enrolled on any list or roll of parliamentary voters. 5
- (2) No person who, at the commencement of this Act, is registered as a parliamentary voter shall merely by reason of being a native in terms of this Act, at any future registration of parliamentary voters be refused registration as a parliamentary voter. 10
- Union divided into four electoral areas.      **2.** (1) For the purposes of this Act there shall be the following four electoral areas in the Union : 15
- (a) The Province of Natal ;
- (b) the Provinces of the Transvaal and of the Orange Free State ;
- (c) the Transkeian Territories ;
- (d) the Province of the Cape of Good Hope, excluding the Transkeian Territories. 20
- (2) If at any time after seven years from the commencement of this Act the Governor-General is satisfied that native development and the system of local native government have reached such a stage as to justify an increase in the original parliamentary representation provided for in this Act, he may, by proclamation redefine, alter the boundaries, and increase the number of the electoral areas provided for in sub-section (1) : 25
- Provided that—
- (a) the constitution of any voting unit prescribed by this Act for any original electoral area shall not be altered merely by reason of such unit being in any part of such original electoral area which as a result of such redefinition, alteration or increase is added to another, or proclaimed into a new electoral area ; and 30
- (b) the number of additional electoral areas proclaimed under this Act shall in all not exceed two. 35

### PART I.

#### PARLIAMENTARY REPRESENTATION OF NATIVES.

Parliamentary representation of natives.

*Senators have never hitherto helped the natives.*

Senators elected under this Act to be additional to those prescribed in South Africa Act.

**3.** Notwithstanding anything to the contrary in any law, senators shall on the fixed day, and thereafter from time to time upon a day (not being a day appointed for any general election of members of the House of Assembly) to be prescribed by the Governor-General by proclamation in the *Gazette* as soon as may be after the expiry of each septennial period from the fixed day, be elected, one by the electoral college of each electoral area referred to in section *two*. 40 45

**4.** (1) The senators elected in terms of section *three* shall be additional to the number of senators prescribed under the South Africa Act, 1909, and shall hold their seats for seven years notwithstanding any earlier dissolution of the Senate. 50

(2) If the seat of any senator elected in terms of section *three* becomes vacant, the electoral college of the electoral area represented by such senator shall upon a day to be prescribed by the Governor-General by proclamation in the *Gazette* (not being a day appointed for any general election of members of the House of Assembly) choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat. 55



5. (1) The qualifications of a person for election as a senator under this Act shall be those prescribed in paragraphs (a), (b), (c), (d) and (e) of section *twenty-six* of the South Africa Act, 1909, or any amendment thereof, and in addition such person must prior to election have resided for two years within the province or one or other of the provinces comprising the electoral area concerned or within which such electoral area is situate.

Qualifications of senators under this Act.

(2) The provisions of sections *fifty-one* to *fifty-six* inclusive, of the South Africa Act, 1909, or any amendment thereof, shall apply to any senator elected under this Act.

(3) Every senator elected under this Act shall have all the rights, powers, privileges and immunities which other senators possess and shall be subject to all the duties and obligations to which other Senators are subject.

## PART II.

### ELECTORAL COLLEGES AND PROCEDURE AT ELECTIONS.

6. The electoral colleges for the various electoral areas established under section *two* shall respectively be as follows :

Constitution of electoral colleges.

- (a) for the electoral area of the Natal Province—
- (i) the chiefs of such tribes within the electoral area as do not fall under the jurisdiction of a local council ;
  - (ii) the native members of local councils ;
  - (iii) the native members of the native advisory boards.
- (b) for the electoral area of the Transvaal and Orange Free State Provinces—
- (i) the chiefs of such tribes in the Transvaal Province as do not fall under the jurisdiction of a local council ;
  - (ii) the native members of local councils ;
  - (iii) the native members of native reserve boards of management ;
  - (iv) the native members of the native advisory boards ;
- (c) for the electoral area of the Transkeian Territories the native members of the United Transkeian Territories General Council ;
- (d) for the electoral area of the Province of the Cape of Good Hope excluding the Transkeian Territories—
- (i) the chiefs of such tribes within the electoral area as do not fall under the jurisdiction of a local council ;
  - (ii) the native members of local councils ; and
  - (iii) headmen of locations which do not fall within the jurisdiction of a local council or under the jurisdiction of a chief ;
  - (iv) the native members of the native advisory boards.

7. (1) Nothing in this section contained shall apply to the electoral area of the Transkeian Territories.

Determination of votes to be cast in electoral colleges other than that for the electoral area of the Transkeian Territories.

(2) At any election of a senator for an electoral area to which a voting unit belongs such voting unit shall have the right to exercise in the manner prescribed by this Act a number of votes equivalent to the number of natives determined in respect of his or its area of jurisdiction in accordance with the provisions of sub-section (3).

(3) (a) Not less than three months before the day appointed for any election of senators, the Minister or any officer or officers of the public service deputed by him shall determine the number of natives within the area of jurisdiction of each voting unit concerned who are either registered as liable for the payment of general tax under the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), or exempted from the payment of such tax by virtue of sub-section (2) of section *four* of that Act : Provided that in the case of native advisory boards no native shall be included in the number of natives so determined unless he was, upon a date six months before the fixed day, domiciled within the area of jurisdiction of the urban local authority in respect of which such native advisory board is established, and provided further that no native shall be deemed to be domiciled within the area of jurisdiction of such urban local authority upon any particular date unless he has had his permanent home within such area during a period of not less than three years immediately preceding such date.



- (b) Each such determination shall be published in the *Gazette* and shall not be subject to appeal or review ; Provided that within four weeks from the date of its publication in the *Gazette* the voting unit concerned may bring any determination made by an officer deputed in terms of paragraph (a) under review before the Minister whose decision shall be final. 5
- (c) After the lapse of four weeks from the date of publication of any determination in the *Gazette* the voting unit concerned shall be furnished with a certificate specifying the number of votes which he or it is entitled to exercise. 10

Nomination of candidates for election as senators for Transkeian Territories.

8. Any district council referred to in Proclamation No. 191 of 1932 or any amendment thereof may, in manner provided by regulation, nominate a candidate for any election of a senator for the electoral area of the Transkeian Territories. 15

Nomination of candidates for election as senators for electoral areas other than the Transkeian Territories.

9. (1) In respect of any election of a senator for any electoral area other than the Transkeian Territories a candidate may be nominated in manner prescribed by regulation by any voting unit in the area concerned, or by any combination of such units acting together. 20

(2) Nominations under this section and under section *eight* shall be made to the magistrate of the district not later than a date to be prescribed by the Minister under Government Notice in the *Gazette*, which date shall not be less than two months before the day appointed for the election. 25

(3) Every nomination made under sub-section (1) shall forthwith be transmitted by the magistrate to the returning officer who, if the number of votes which the voting unit or units nominating such candidate are entitled to exercise is less than 2,000, or if the person so nominated refuses or fails to accept nomination in manner prescribed by regulation, shall reject such nomination. 30

(4) Any candidate duly nominated under this section or section *eight* shall make a declaration of qualification. 35

(5) The name of every candidate duly nominated under this section and section *eight* shall be published in the *Gazette* and otherwise notified in the electoral area concerned in such manner as may be prescribed by regulation.

(6) If no candidate is duly nominated a further nomination shall be held. 40

Election of candidates.

10. If in any electoral area—

- (a) one candidate only is duly nominated, the returning officer shall declare such candidate duly elected ;
- (b) two or more candidates are duly nominated, the provisions of sections *eleven* and *twelve* and the Schedule to this Act shall apply. 45

Voting in Transkeian Territories.

11. Upon any day prescribed by the Governor-General for the election of a senator for the Transkeian Territories in terms of this Act, the electoral college for those territories shall meet and proceed to vote for the election of a senator in accordance with the Schedule to this Act and the regulations. 50

Voting in areas other than the Transkeian Territories.

12. Upon any day prescribed by the Governor-General for the election of a senator in an electoral area not being the Transkeian Territories— 55

(a) every chief and every headman who in terms of section *six* is a voting unit in that electoral area, shall determine before the magistrate of the district in which he resides, the candidate for whom the vote exercised by him shall be cast, and, if there are more than two candidates, the order of preference in which such vote shall be cast for the respective candidates ; 60

(b) every native reserve board of management, every local council and every native advisory board which is in terms of section *six* a voting unit in that electoral area shall meet at the office of the magistrate of the district where such board or local council has jurisdiction and the native members of such voting unit shall determine by a majority of votes if necessary the candidate for whom the vote exercised by the unit shall be cast, and, if there are more than two candidates, the order of preference in which such vote shall be cast for the respective candidates ; 65

(c) the number of votes exercised by any unit voting as provided in paragraphs (a) and (b) shall be cast collectively and indivisibly for the same candidate and in the same order of preference ; 70



- (d) the magistrate shall, in manner prescribed by regulation, make a certified return to the returning officer of the votes cast under paragraphs (a) and (b).

## PART III.

## 5 NATIVES REPRESENTATIVE COUNCIL.

13. (1) There shall be established a Natives Representative Council for the Union hereinafter referred to as the Council. Establishment of native representative council.

(2) The Council shall consist of twenty-two members and shall be constituted as follows :

- 10 (a) The Secretary for Native Affairs, or in his absence, some fit and proper person designated by the Minister of Native Affairs, who shall be Chairman and shall have a casting vote only.
- 15 (b) Five European members, who shall not have the right to vote, consisting of the chief native commissioners for the electoral areas referred to in section two and the Chief Native Commissioner for the Witwatersrand.
- (c) Four native members to be appointed by the Governor-General and styled nominated members.
- 20 (d) Twelve native members to be styled elected members and to be elected in manner following :
- (i) Three members shall be elected by the electoral college for the electoral area of the Transkeian Territories.
- 25 (ii) Two members shall be elected by the electoral colleges for each of the three electoral areas of Natal, the Transvaal and Orange Free State, and the Cape of Good Hope, excluding the Transkeian Territories : Provided that for the purposes of this sub-paragraph the native advisory boards referred to in section six shall be excluded as voting units from the electoral colleges referred to in this sub-paragraph.
- 30 (iii) One member shall be elected for each of the three electoral areas of Natal, the Transvaal and Orange Free State, and the Cape of Good Hope, excluding the Transkeian Territories, by the native members of the native advisory boards therein.
- 35 (e) The procedure governing the election of the senators referred to in section three shall *mutatis mutandis* apply to the election of the members of the Council to be elected in terms of paragraph (d).
- 40

14. (1) The nominated and elected members of the Council shall hold office for a period of five years.

(2) If the office of any nominated or elected member of the Council becomes vacant before the expiry of the period for which he was appointed or elected, another person shall be appointed or elected as the case may be to hold office until the completion of the period for which the person in whose stead he is appointed or elected would have held office.

(3) The nominated and elected members of the Council shall receive an allowance of one hundred and twenty pounds per annum, together with such travelling and subsistence allowance to and from meetings of the Council as may be prescribed by regulation.

15. The qualifications of a nominated or elected member of the Council shall be as follows : He must—

- 60 (a) be registered as liable for the payment of the general tax under the Natives Taxation and Development Act, 1925, or otherwise be exempted from the payment of such tax by virtue of sub-section (2) of section four of that Act or any amendment thereof ;
- 65 (b) have been born within the Union or any territory at present forming part of the Union (unless specially exempted by the Governor-General) and have been domiciled therein for five years immediately preceding the date of his appointment or election and for two years immediately preceding the said date within the area for which he is appointed or elected ;
- 70 and
- (c) be a Union national.

16. No person shall be capable of being appointed, elected or of holding office as a member of the Council who—

- 75 (a) has been at any time convicted of any crime or offence for which he shall have been sentenced to imprisonment without the option of a fine for a term of not less than six months, unless he has received a grant of amnesty or a free pardon, or unless such imprisonment shall have expired at least five years before the date of his appointment or election.

Period of office and remuneration of nominated and elected members.

Qualifications of nominated and elected members.

Disqualifications for being a member of the council.



- (b) has at any time within five years before the date of his appointment or election been removed from an urban area or proclaimed area or sent to a farm colony, work colony, refuge, rescue home or similar institution in terms of section *seventeen* of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923), or any amendment thereof or who has been the subject of any order issued under the provisions of section *one* (12) of the Riotous Assemblies (Amendment) Act, 1930 (Act No. 19 of 1930); 5 10
- (c) is an unrehabilitated insolvent;
- (d) is of unsound mind and has been declared so by a competent court.
- Vacation of office. 17. If a nominated or elected member of the Council—
- (a) becomes subject to any of the disabilities mentioned in the last preceding section; 15
- (b) ceases to be qualified as required by law;
- (c) fails for a whole ordinary session to attend the Council without the special leave of the Council or unless within one month from the end of such session his failure to attend has been specially condoned by the Governor-General; 20
- (d) dies or resigns;
- (e) becomes, in the opinion of the Governor-General, incapable of effective service on the Council by reason of illness, infirmity or other cause; 25
- (f) becomes, in the opinion of the Governor-General, unfit by reason of misconduct or other cause to be a member of the Council; 30
- his office shall thereupon become vacant. 30
- Functions, powers and duties of the Council. 18. (1) It shall be the function and duty of the Council to consider and report to the Minister upon—
- (a) proposed legislation in so far as it may affect the native population;
- (b) any matter referred to it by the Minister; 35
- (c) any matter specially affecting the interests of natives in general.
- Every such report shall be laid upon the Tables of both Houses of Parliament by the Minister within fourteen days after its submission to him if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session. 40
- Every such report, if it deals with matters on which any provincial council has power to legislate or which are of other provincial interest shall at the same time be transmitted to the administrator of the province concerned, and similarly be laid by him on the table of the provincial council. 45
- (2) The Council may recommend to Parliament or to any provincial council, as the case may be, legislation which it considers necessary in the interests of natives. 50
- (3) No bill or draft ordinance, which in the opinion of the Minister after consultation with the Native Affairs Commission or of the administrator of any province concerned contains provisions specially affecting the interests of natives, shall be introduced into the House of Assembly, the Senate or into the provincial council concerned until it has been referred to the Council for its consideration. 55
- (4) The Council shall advise the Minister upon any further matter referred to it by the Minister for advice. 60
- (5) Any Minister or Administrator and any member of the Native Affairs Commission may attend the meetings of the Council and take part in its proceedings, but shall not have the right to vote.
- (6) The Council shall meet at any time and place fixed by the Minister and its proceedings shall take place in public, subject, however, to such limitations as may be prescribed by regulation. 65
- Consideration by Council of funds to be applied for native purposes. 19. (1) Before the commencement of each ordinary session of Parliament (or as soon as possible thereafter), the Minister shall summon a meeting of the Council and shall place before it a statement showing— 70
- (a) the provision which it is proposed to make on the estimates of expenditure for the ensuing financial year in respect of— 75
- (i) the moneys to be appropriated by Parliament to the South African Native Trust Fund established under the Native Trust and Land Act, 193 (Act No. of 193);



- (ii) the amount to be contributed from the Consolidated Revenue Fund to the Native Development Account established under section *twelve* of the Native Taxation and Development Act, 1925 (Act No. 41 of 1925), or any amendment thereof; and
- (iii) the funds to be appropriated by Parliament in the special interests of natives for any purpose other than those specified under sub-paragraphs (i) and (ii);
- (b) estimates of the revenue to be derived from any other sources by the South African Native Trust Fund and the Native Development Account;
- (c) the Minister's proposals as to the method in which the moneys referred to in paragraphs (a) and (b) shall be allocated.
- (2) The Council shall consider and report to the Minister upon the statement, and the Minister shall lay such report upon the Tables of both Houses of Parliament within fourteen days after its submission to him if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ordinary session.

## PART IV.

## 25 PROVINCIAL COUNCIL REPRESENTATION OF NATIVES.

20. Notwithstanding anything to the contrary in any law, two members of the Provincial Council of the Province of the Cape of Good Hope shall upon a day (not being a day appointed for any general election of members of the House of Assembly or of the said Provincial Council) to be prescribed by the administrator of the said province by proclamation, be elected, one by the electoral college for the electoral area of the Transkeian Territories and one by the electoral college for the electoral area of the Province of the Cape of Good Hope, excluding the Transkeian Territories.

21. (1) The members of the provincial council elected in terms of the section immediately preceding shall be additional to the number of provincial councillors prescribed under the South Africa Act, 1909, and shall hold their seats for a period of four years notwithstanding any dissolution of the provincial council within that period, but shall not have the right to vote at an election of senators in terms of section *twenty-five* (ii) of the South Africa Act, 1909.

(2) If the seat of any provincial councillor elected in terms of the section immediately preceding becomes vacant, the electoral college of the electoral area represented by such provincial councillor shall upon a day to be prescribed by the Administrator of the Province of the Cape of Good Hope by proclamation (not being a day appointed for any general election of members of the House of Assembly or of the said provincial council) choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.

22. (1) Any person who—

- (a) is qualified to vote for the election of members of the House of Assembly; or
- (b) but for the provisions of this Act, would have been qualified to vote in terms of paragraph (a); or
- (c) is qualified to be elected as a member of the Natives Representative Council in terms of section *fifteen*; shall be qualified to be elected as a provincial councillor in terms of this Act: Provided that such person shall prior to election have resided for two years within the electoral area for which he is a candidate.

(2) In the case of any provincial councillor elected by reason of his being qualified in terms of paragraph (a) or (b) of sub-section (1), the provisions of sections *seventy-two*, *seventy-six* and *seventy-seven* of the South Africa Act, 1909, or any amendment thereof, shall apply.

(3) In the case of any provincial councillor elected by reason of his being qualified in terms of paragraph (c) of sub-section (1), the provisions of sections *sixteen* and *seventeen* of this Act and of sections *seventy-six* and *seventy-seven* of the South Africa Act, 1909, or any amendment thereof, shall apply.

The provisions of section *fifty-five* of the South Africa Act, 1909, or any amendment thereof, shall also *mutatis mutandis* apply.

23. The procedure governing the election of the senators referred to in section *three* shall *mutatis mutandis* apply to the election of provincial councillors to be elected in terms of this Act.

Provincial Council representation of natives.

Provincial councillors elected under this Act to be additional to those prescribed in South Africa Act.

Qualifications of Provincial councillors under this Act.

Procedure governing the election of provincial councillors under this Act.



When native representation in the Provincial Council shall cease.

24. If at any time after the commencement of this Act—

- (a) native education (other than higher education); and
- (b) hospital provision for natives; and
- (c) roads (other than national roads, provincial main roads, and special roads declared in terms of the National Roads Act, 1935 (Act No. of 1935), and main roads established in terms of the Roads Ordinance, 1927 (Ordinance No. 21 of 1927); in the areas falling at the commencement of this Act within the jurisdiction of the Glen Grey District Council or of the United Transkeian Territories General Council,

cease to be matters in respect of which the Provincial Council of the Province of the Cape of Good Hope may make ordinances in terms of section *eighty-five* of the South Africa Act, 1909, 15 sections *twenty* to *twenty-three* inclusive shall be repealed by Act of Parliament.

## PART V.

### MISCELLANEOUS AND GENERAL.

What courts have jurisdiction to hear election petitions.

25. (1) In regard to any election of senators in terms of section *three* and of members of the provincial council in terms of section *twenty* and any election petition arising out of such election and the proceedings thereon, the Provincial Division of the Supreme Court of South Africa having jurisdiction in the area wherein the office of the returning officer of the election affected by such election petition is situated, shall have sole jurisdiction with reference to such election petition, except that if the office of a returning officer of any election affected by any election petition is situated within the area within which the Eastern Districts Local Division of the Supreme Court exercises jurisdiction in respect of ordinary civil proceedings, that local division shall also have jurisdiction with reference to such election petition.

(2) In regard to any election of members of the Natives Representative Council elected in terms of paragraph (d) of sub-section (2) of section *thirteen*, and any election petition arising out of such election and the proceedings thereon, a native appeal court constituted under the provisions of section *thirteen* of the Native Administration Act, 1927 (Act No. 38 of 1927), having jurisdiction in the area wherein the office of the returning officer of the election affected by such election petition is situated, shall have sole jurisdiction with reference to such election petition.

(3) (a) In regard to an appeal from the decision of any court referred to in sub-section (1) the provisions of section *one hundred and thirty-two* of the Electoral Act, 1918 (Act No. 12 of 1918), shall apply.

(b) The decision of a court referred to in sub-section (2) shall be final.

Persons may be declared to be non-natives by resolution of both Houses of Parliament.

26. (1) Notwithstanding anything in this Act, any person who is a native in terms of paragraph (b) or (c) of the definition of "native" contained in this Act, may petition the Governor-General to be declared a non-native for the purposes of this Act.

(2) The Governor-General shall refer every such petition to a board consisting of a judge of the Supreme Court of South Africa and two others appointed by the Governor-General.

(3) The said board shall after enquiry into the subject of the petition, make its report to the Governor-General recommending whether or not the petition should be granted.

(4) The board shall recommend the granting of any such petition only if it be shown to its satisfaction that the applicant—

- (a) is a person of repute who is held in good public esteem in the locality where he resides and by his associates; and
- (b) is proficient in one of the official languages of the Union and is by reason of his intellectual or other attainments more akin to Europeans or other non-natives than to a native; and
- (c) conforms in regard to his standard and habits of life to the standards of European civilization.

(5) Every such report shall be laid upon the Tables of both Houses of Parliament within fourteen days after the date thereof if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session, and it shall be the duty of the Minister to draw the attention of both Houses of Parlia-



ment to such report and unless both Houses of Parliament have by resolution passed in the same session rejected any recommendation made by the board that any applicant be declared a non-native as aforesaid such applicant shall thenceforth be deemed to be a non-native for the purposes of this Act.

27. The Governor-General may make regulations, not inconsistent with this Act, in regard to any of the following matters— Regulations.

- 10 (a) the procedure to be followed in effecting determinations under sub-section (3) of section *seven* and in appeals to the Minister against such determinations ;
- (b) the nomination and election of senators and of provincial councillors under this Act, the procedure to be followed thereat and any matter incidental thereto, including the appointment of returning officers ;
- 15 (c) prescribing the procedure to be followed by the returning officer, the notification to be given by him to candidates or their agents of the time and place of any count, and the announcement and publication of the results of any election ;
- 20 (d) the appointment, nomination and election of members of the Natives Representative Council and all matters incidental thereto ;
- 25 (e) prescribing what shall be deemed to be corrupt and illegal practices in relation to elections under this Act and the consequences thereof ;
- (f) petitions to court in relation to elections under this Act, the procedure to be followed and the relief which the court may grant in pursuance thereof ;
- 30 (g) providing for meetings of the Natives Representative Council and the procedure to be adopted at such meetings ;
- 35 (h) prescribing the procedure to be followed in submitting the recommendations of the Council to Parliament or any Provincial Council concerned and its advice to the Minister in terms of section *eighteen*, and matters incidental thereto ;
- 40 (i) prescribing the forms to be used in connection with determinations, nominations, elections, returns or any other proceedings under this Act ;
- (j) providing penalties for any contravention of the regulations : Provided that no such penalty shall exceed a fine of fifty pounds or imprisonment for a period of twelve months or both such fine and imprisonment save in the case of a penalty for the contravention of any regulation dealing with the conduct of elections,
- 45
- 50 and generally for the better carrying out of any of the objects and purposes of this Act, no limitation to the generality of this provision being inferred from the specific provisions of any particular paragraph of this section.

28. In this Act unless inconsistent with the context— Definitions.

- 55 "parliamentary voter" means any person qualified to vote at elections of members of the House of Assembly and of any provincial council ;
- "list or roll of parliamentary voters" means any list of voters referred to in sections *twenty-eight* and *one hundred and forty-six* of the Electoral Act, 1918 (Act No. 12 of 1918) or any amendment thereof ;
- 60 "chief" means any person appointed or recognized by the Governor-General as a chief under sub-section (7) of section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927) ;
- 65 "headman" means any person appointed or recognized by the Governor-General as a headman under sub-section (7) of section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927) ;
- 70 "local council" means a local council established under section *five* of the Native Affairs Act, 1920 (Act No. 23 of 1920), or any amendment thereof and includes the Glen Grey District Council established under the Glen Grey Act (Act No. 25 of 1894) of the Cape of Good Hope ;
- 75 "Minister" means the Minister of Native Affairs or any other Minister acting in his stead ;
- "native" means—



Compare  
Definition of Natives  
in Land Bill on  
page 50.

- (a) any member of any aboriginal race or tribe of Africa, other than a race, tribe or ethnic group in the Union representing the remnants of a former race or tribe of South Africa which has ceased to exist as such race or tribe; and 5
- (b) any person whose father or mother is or was a native in terms of paragraph (a); and
- (c) any person whose father or mother is or was a native in terms of paragraph (b); and
- (d) any other person not being a European who— 10
- (1) is desirous of being regarded as a native for the purposes of this Act; or
  - (2) is by general acceptance and repute a native; or
  - (3) follows in his ordinary or daily mode-of life the habits of a native; or
  - (4) uses one or other native language as his customary and natural mode of expression; or
  - (5) associates generally with natives under native conditions; 20
- but shall not include—
- (i) any person falling under paragraph (b) or (c) and born of a marriage as defined in section thirty-five of the Native Administration Act (Act No. 38 of 1927), as amended, contracted prior to the commencement of this Act; or 25
  - (ii) any person falling under paragraph (b) and born prior to the commencement of this Act who is by general acceptance and repute a European or non-native; or 30
  - (iii) any person falling under paragraph (c) who is by general acceptance and repute a European or non-native, and whose parents are or were by general acceptance and repute Europeans or non-natives; 35

who desires to be accounted a non-native: Provided that if any person asserts in the case of a person falling under sub-paragraph (ii) that the other parent (father or mother) of such person is or was also a native, the onus shall be on the person so asserting; and provided further that in the case of a person falling under paragraph (iii) the onus of proving that the parents of such person are or were by general acceptance and repute Europeans or non-natives shall not be on such person, but in any case where the contrary is alleged, the onus of proving such allegation shall be upon the person who makes it. 40 45 50

“ native advisory board ” shall mean a native advisory board established under section ten of the Natives (Urban Areas) Act (Act No. 21 of 1923), or any amendment thereof; 55

“ native reserve board of management ” means a board of management established under the Native Reserves Management Ordinance, 1907, of the Orange Free State;

“ non-native ” means a person who is not a native for the purposes of this Act;

“ the fixed day ” means a day as soon as possible after the first general election of members of the House of Assembly to be held after the commencement of this Act, to be fixed by the Governor-General by proclamation in the *Gazette*; 65

“ ordinary session of the council ” means the meeting of the council referred to in sub-section (1) of section nineteen;

“ voting unit ” means any such chief, native reserve board of management, local council, headman or native advisory board as is referred to in section six. 70

Short title and commencement.

29. This Act may be cited as the Representation of Natives Act, 193 , and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*. 75



### Schedule.

RULES FOR THE DETERMINATION OF SUCCESSFUL CANDIDATES AT ELECTIONS OF SENATORS, MEMBERS OF THE NATIVES REPRESENTATIVE COUNCIL AND OF PROVINCIAL COUNCILLORS.

- (1) (a) The ballot paper of any member of the electoral college of the Transkeian Territories electoral area shall be deemed to represent one vote cast for the various candidates in accordance with the order of preference indicated therein ;
  - (b) the ballot paper of any chief who is a voting unit shall be deemed to represent the number of votes which that chief is in terms of section *seven* of the Act entitled to exercise and such votes shall be deemed to have been cast collectively for the several candidates in accordance with the order of preference specified on such ballot paper ;
  - (c) the certificate handed in on behalf of any voting unit other than a chief shall be deemed to represent the number of votes which such voting unit is in terms of section *seven* entitled to exercise and such votes shall be deemed to have been cast collectively for the several candidates in accordance with the order of preference specified in such certificates.
- (2) where the number of nominated candidates is only two, the candidate who secures a majority of votes computed as indicated in rule one shall be declared elected.
- (3) Where the number of candidates is in excess of two the following provisions shall apply :
  - (a) If, on computing the votes as indicated in rule one, any candidate obtains an absolute majority, he shall be declared elected.
  - (b) If no candidate obtains an absolute majority, the returning officer shall exclude from the count the candidate with the smallest number of votes, by transferring the votes cast in his favour as first in the order of preference to the respective candidates marked on the relative ballot papers and certificates as next to him in the order of preference and by adding the votes so transferred to any candidate to the total votes cast for such candidate.
  - (c) If, as the result of the initial transfer of votes as provided under paragraph (b) of this rule, no candidate obtains an absolute majority, the returning officer shall proceed in like manner to exclude from the count and to transfer the votes of the candidate with the next smallest number of votes, and shall thereafter, should it be necessary, in like manner successively repeat the process of excluding the candidate with the next lowest number of votes and transferring the votes of such candidate in manner aforesaid until an absolute majority is obtained in favour of one candidate, who shall thereupon be declared elected.
- (4) If at any time two or more candidates, one of whom is to be excluded from any count under the provisions of rule three have an equal number of votes, the candidate to be excluded shall be determined by lot drawn, in the presence of the candidates concerned or their duly appointed representatives, by the returning officer.
- (5) On any transfer of votes for the purposes of rule three—
  - (a) no vote shall be transferred to any excluded candidate ;
  - (b) when on any ballot paper or certificate an excluded candidate is indicated as next in the order of preference the vote shall be transferred to the candidate (if any) marked as next after such excluded candidate in the order of preference.
- (6) For the purposes of these rules an absolute majority means more than one half of all the votes for the time being counted in favour of candidates, no account being taken of votes given in favour of an excluded candidate and not transferred under these rules.
- (7) Immediately after the conclusion of the count of the votes in accordance with these rules and the regulations, the returning officer shall prepare and certify as correct a return, in a form to be prescribed by regulation, disclosing the number of votes as first counted, all transfers of votes and the result of such transfers.
- (8) After the conclusion of the count the returning officer shall transmit all ballot papers, certificates and returns of votes relating to the election to the Minister of the Interior.
- (9) The returning officer shall transmit his return framed under rule 7, to the Minister of the Interior who shall notify the name and address of any senator or member of the Natives Representative Council so elected to the Governor-General and the President of the Senate, or of any provincial councillor so elected to the Governor-General and to the Administrator of the Province of the Cape of Good Hope.



[C.]

REPORT OF THE COMMISSION ON REPRESENTATION OF NATIVES AND COLOURED PERSONS IN THE PARLIAMENT AND PROVINCIAL COUNCILS OF THE UNION AND FOR THE ACQUISITION OF LAND BY NATIVES.

TO LIEUTENANT-COLONEL HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF CLARENDON, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

MAY IT PLEASE YOUR EXCELLENCY,

WE, the undersigned, Commissioners appointed under a Commission issued by Your Excellency on the 11th October, 1932, in pursuance of a resolution of the Honourable the Senate and the Honourable the House of Assembly, dated the 18th May, 1932, to continue and complete the work of the Joint Select Committee of both Houses of Parliament which enquired into the question of making special provision for the representation of natives and coloured persons in the Parliament and Provincial Councils of the Union and for the acquisition of land by natives, have the honour to report :

(1) That your Commission met on Thursday, the 3rd November, 1932, and continued to sit daily, except on Saturdays and Sundays, until Friday, the 18th idem.

(2) That resignations from the Commission were received from the following members :

General the Rt. Hon. J. C. Smuts,  
Senator the Rt. Hon. F. S. Malan,  
The Hon. C. J. Krige,  
Mr. J. H. Hofmeyr,  
Senator P. J. Wessels,

and the following members wrote stating that they were unable to attend the meetings of the Commission :

The Hon. P. Duncan,  
Col.-Cdt. W. R. Collins,  
Mr. A. O. B. Payn,  
Maj. G. B. van Zyl.

Mr. Duncan, however, was able to be present at the last four meetings.

(3) That throughout the deliberations of your Commission it was understood that at the next session of Parliament both Houses would be moved to again appoint a Joint Select Committee to consider and report upon the matters referred to your Commission and that your Commission's Report would be referred to that Joint Select Committee.

(4) That excepting the reservations made by Mr. Duncan, your Commission, after full consideration of the matters referred to it, is unanimous in recommending the following measures for adoption :

(a) *The Natives Parliamentary Representation Bill.* (Annexure A.)

\* (b) A Bill further to amend the law relating to natives in urban areas. (Annexure B.)

† (c) Clauses Thirty-four, Forty-three, Forty-four, and the Third Schedule to the *Native Trust and Land Bill* not finally disposed of by the Joint Select Committee and embodied, as approved by your Commission, in the Bill annexed hereto. (Annexure C).

(5) That as the Prime Minister indicated that he did not intend to proceed with the *Coloured Persons Rights Bill*, your Commission did not consider the provisions of that Bill.

(6) That in the course of its deliberations your Commission found that the creation of Health Boards and Health Committees, more particularly in Natal, and the existence of townships outside urban areas, where the acquisition of land by natives is unrestricted, are likely to cause undesirable conditions and that some provision should be made in this respect. As, however, any such provision would entail an amendment of Clauses in the *Native Trust and Land Bill* which have already been finally adopted by the Joint Select Committee, your Commission felt that all that it could do was to draw attention to the matter in this report.

\* Annexure B. Not considered by Joint Committee and consequently not printed as an annexure.  
† Annexure C. Published as appendix to report of Joint Committee.



(7) That after the *Native Parliamentary Representation Bill* had been agreed to, Mr. Nicholls suggested that provision be made that the Minister of Native Affairs shall be a Senator and that the constitution of the Native Affairs Commission be altered so as to provide for the appointment thereon of natives as assessors. After discussion your Commission felt that these proposals were of far-reaching importance and required much more consideration than could be given them by your Commission. It was, therefore, decided merely to record the fact of such suggestions having been made and to leave the matter over for further consideration by the Joint Select Committee to be appointed during the next session of Parliament.

(8) Your Commission desires to place on record its appreciation of the services of Major J. F. Herbst, the Secretary for Native Affairs, who attended all the sittings of the Commission and gave most valuable information and advice, of Mr. F. P. van den Heever, the Secretary for Justice, who attended the sittings of the Commission in the capacity of legal adviser until prevented by a serious illness, which is much regretted by all members of the Commission, and of Mr. J. F. Knoll, the Secretary of the Commission.

(Sgd.) E. G. JANSEN,  
Chairman.

J. B. M. HERTZOG.  
H. W. SAMPSON.  
PATRICK DUNCAN (subject to  
reservation below).  
C. F. STALLARD.  
G. HEATON NICHOLLS.  
J. S. MARWICK.  
LE R. V. NIEKERK.  
A. J. STALS.

N. C. HAVENGA.  
F. C. THOMPSON.  
P. C. DE VILLIERS.  
J. B. WESSELS.  
J. F. T. NAUDÉ.  
S. P. LE ROUX.  
J. G. STRYDOM.  
C. J. V. R. SMIT.  
A. T. SPIES.

In agreeing to the Commission's report submitting the amended *Natives Parliamentary Representation Bill*, I desire to record that I was unable to be present at the sittings of the Commission at which the principles of the Bill were discussed and that I am unable to agree with the Bill as submitted by the Commission.

In the Bill submitted by the Commission for amending the Natives (Urban Areas) Act, 1923, I desire to record my dissent from Clauses Six, Nine and Eleven, which give effect to certain principles adopted by the Commission at meetings which I was unable to attend.

(Sgd.) PATRICK DUNCAN.

18th November, 1932.



## Annexure [A.] of the Report of the Commission.

Senators are no use. The natives do not know the present 4 Senators who are supposed to represent them. They have never named their members on behalf of the natives.

## BILL

**To prohibit the further registration of natives as Parliamentary voters; to make additional provision for the representation of natives in the Senate; to provide for the establishment of a Grand Committee of the Senate and to increase the powers of the Senate in certain respects**

- No further registration of native voters. 1. No native who, at the commencement of this Act is not registered as a parliamentary voter in the Union shall be enrolled on any list or roll of parliamentary voters.
- Union divided into four electoral areas. 2. (1) For the purposes of this Act there shall be the following four electoral areas in the Union : 5  
 (a) The Province of Natal ;  
 (b) the Provinces of the Transvaal and of the Orange Free State ;  
 (c) the Transkeian Territories ;  
 (d) the Province of the Cape of Good Hope, excluding 10 the Transkeian Territories.
- (2) If at any time after seven years from the commencement of this Act the Governor-General is satisfied that native development and the system of local native government have reached such a stage as to justify an increase in the original 15 parliamentary representation provided for in this Act, he may, by proclamation redefine, alter the boundaries, and increase the number of the electoral areas provided for in sub-section (1) :  
 Provided that—  
 (a) the constitution of any voting unit prescribed by 20 this Act for any original electoral area shall not be altered merely by reason of such unit being in any part of such original electoral area which as a result of such redefinition, alteration or increase is added to another, or proclaimed into a new electoral area ; 25 and  
 (b) the number of additional electoral areas proclaimed under this Act shall in all not exceed six.
- Parliamentary representation of natives. 3. Notwithstanding anything to the contrary in any law, senators shall on the fixed day, and thereafter from time to 30 time upon a day (not being a day appointed for any general election of members of the House of Assembly) to be prescribed by the Governor-General by proclamation in the *Gazette* as soon as may be after the expiry of each septennial period from the fixed day, be elected, one by the electoral college 35 of each electoral area referred to in section two.
- Senators elected under this Act to be additional to those prescribed in South Africa Act. 4. (1) The senators elected in terms of section three shall be additional to the number of senators prescribed under the South Africa Act, 1909, and shall hold their seats for seven years notwithstanding any earlier dissolution of the Senate. 40  
 (2) If the seat of any senator elected in terms of section three becomes vacant, the electoral college of the electoral area represented by such senator shall upon a day to be prescribed by the Governor-General by proclamation in the *Gazette* (not being a day appointed for any general election of members 45 of the House of Assembly) choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.
- Qualifications of senators under this Act. 5. (1) The qualifications of a person for election as a senator under this Act shall be those prescribed in paragraphs (a), 50 (b), (c), (d) and (e) of section twenty-six of the South Africa Act, 1909, and in addition such person must prior to election have resided for two years within the province or one or other of the provinces comprising the electoral area concerned or within which such electoral area is situate. 55  
 (2) The provisions of sections fifty-one to fifty-six inclusive, of the South Africa Act, 1909, or any amendment thereof, shall apply to any senator elected under this Act.



- (3) Every senator elected under this Act shall have all the rights, powers, privileges and immunities which other senators possess and shall be subject to all the duties and obligations to which other senators are subject.
- 5 6. The electoral colleges for the various electoral areas established under section *two* shall respectively be as follows : Constitution of electoral colleges.
- (a) for the electoral area of the Natal Province, the chiefs of that Province ;
- 10 (b) for the electoral area of the Transvaal and Orange Free State Provinces—
- (i) the chiefs in the Transvaal Province ; and
- (ii) the native members of native reserve boards of management ;
- 15 (c) for the electoral area of the Transkeian Territories, the native members of the United Transkeian Territories General Council ;
- (d) for the electoral area of the Province of the Cape of Good Hope excluding the Transkeian Territories—
- 20 (i) the chiefs of such tribes within the electoral area as do not fall under the jurisdiction of a local council ;
- (ii) the native members of local councils ; and
- (iii) headmen of locations which do not fall within the jurisdiction of a council or under the jurisdiction of a chief.
- 25
7. (1) Nothing in this section contained shall apply to the electoral area of the Transkeian Territories.
- (2) At any election of a senator for an electoral area to which a voting unit belongs such voting unit shall have the right to exercise in the manner prescribed by this Act a number of votes equivalent to the number of natives determined in respect of his or its area of jurisdiction in accordance with the provisions of sub-section (3).
- 3
- (3) (a) Not less than three months before the day appointed for any election of senators, the Minister or any officer or officers of the public service deputed by him shall determine the number of natives within the area of jurisdiction of each voting unit concerned who are either registered as liable for the payment of general tax under the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), or exempted from the payment of such tax by virtue of sub-section (2) of section *four* of that Act.
- 35
- (b) Each such determination shall be published in the *Gazette* and shall not be subject to appeal or review : Provided that within four weeks from the date of its publication in the *Gazette* the voting unit concerned may bring any determination made by an officer deputed in terms of paragraph (a) under review before the Minister whose decision shall be final.
- 40
- (c) After the lapse of four weeks from the date of publication of any determination in the *Gazette* the voting unit concerned shall be furnished with a certificate specifying the number of votes which he or it is entitled to exercise.
- 45
- 50
- 55
8. Any district council referred to in Proclamation No. 191 of 1932 or any amendment thereof may, in manner provided by regulation, nominate a candidate for any election of a senator for the electoral area of the Transkeian Territories. Determination of votes to be cast in electoral colleges other than that for the electoral area of the Transkeian Territories.
- 60
9. (1) In respect of any election of a senator for any electoral area other than the Transkeian Territories a candidate may be nominated in manner prescribed by regulation by any voting unit in the area concerned, or by any combination of such units acting together. Nomination of candidates for election as senators for electoral areas other than the Transkeian Territories.
- 65
- (2) Nominations under this section and under section *eight* shall be made to the magistrate of the district not later than a date to be prescribed by the Minister under Government Notice in the *Gazette*, which date shall not be less than two months before the day appointed for the election.
- 70
- (3) Every nomination made under sub-section (1) shall forthwith be transmitted by the magistrate to the returning officer who, if the number of votes which the voting unit or units nominating such candidate are entitled to exercise is less than 2,000, or if the person so nominated refuses or fails to accept nomination in manner prescribed by regulation, shall reject such nomination.



(4) Any candidate duly nominated under this section or section *eight* shall make a declaration of qualification.

(5) The name of every candidate duly nominated under this section and section *eight* shall be published in the *Gazette* and otherwise notified in the electoral area concerned in such 5 manner as may be prescribed by regulation.

Election of candidates.

10. If in any electoral area—

- (1) one candidate only is duly nominated, the returning officer shall declare such candidate duly elected ;
- (2) two or more candidates are duly nominated, the 10 provisions of sections *eleven* and *twelve* and the Schedule to this Act shall apply.

Voting in Transkeian Territories.

11. Upon any day prescribed by the Governor-General for the election of a senator for the Transkeian Territories in terms of this Act, the electoral college for those territories shall 15 meet and proceed to vote for the election of a senator in accordance with the Schedule to this Act and the regulations.

Voting in areas other than the Transkeian Territories.

12. Upon any day prescribed by the Governor-General for the election of a senator in an electoral area not being the Transkeian Territories : 20

- (1) Every chief and every headman who in terms of section *six* is a unit in that electoral area, shall determine before the magistrate of the district in which he resides, the candidate for whom the vote exercised by him shall be cast and, if there are more than two candi- 25 dates, the order of preference in which such vote shall be cast for the respective candidates.
- (2) Every Native Reserve Board of Management and every Local Council which is in terms of section *six* a unit in that electoral area shall meet at the office of the 30 magistrate of the district where such Board or Local Council has jurisdiction and the native members of such unit shall determine by a majority of votes if necessary the candidate for whom the vote exercised by the unit shall be cast, and, if there are more than 35 two candidates, the order of preference in which such vote shall be cast for the respective candidates.
- (3) The number of votes exercised by any unit as provided in sub-sections (1) and (2) shall be cast collectively and indivisibly for the same candidate and in 40 the same order of preference.
- (4) The magistrate shall, in manner prescribed by regulation, make a certified return to the returning officer of the votes cast under sub-sections (1) and (2).

Establishment of Grand Committee of Senate.

13. (1) There shall be established a Grand Committee (herein- 45 after referred to as the committee) of the Senate on native affairs.

(2) Senators elected under this Act and the four senators selected under paragraph (ii) of section *twenty-four* of the South Africa Act, 1909, shall *ex officio* be members of the 50 committee which in addition shall include five other members, who shall be senators appointed by the sessional committee on Standing Orders of the Senate.

(3) Every member of the committee shall, notwithstanding any prorogation of Parliament, hold office as such until he 55 ceases to be a senator or, in the case of an appointed member, tenders his resignation to the President of the Senate.

(4) Any Minister may attend meetings of the committee and take part in its proceedings but shall not have the right to vote unless he is a member of the committee. 60

General functions, powers and duties of the Grand Committee.

14. (1) It shall be the function and duty of the committee to consider and to report to the Senate upon—

- (a) proposed legislation in so far as it may affect the native population ;
- (b) any matter referred to it by the Minister ; 65
- (c) any matter specially affecting the interests of natives in general.

(2) The committee may itself propose and submit to the Senate legislation which it considers necessary in the interests of natives. 70

(3) No bill specially affecting the interests of natives shall be passed by the Senate unless it has, either before or after its second reading, been referred to the committee for its consideration and report : Provided that the provisions of this sub-section shall not apply to a bill which the Governor- 75



General by message to the Senate declares that for reasons of urgency it is not possible so to refer.

(4) The committee shall have all the powers and privileges of a sessional committee of the Senate which has been duly authorized by the Senate to send for persons, documents, and papers.

(5) During a prorogation of Parliament or while the Senate is not in session the committee may meet at any time and place fixed by the Minister who shall during any such period have the power to convene the committee.

(6) The expenditure arising out of any meeting of the committee when the Senate is not in session shall be charged to the vote appropriated by Parliament for the service of the Senate.

15 15. (1) As soon as possible after the commencement of each session of Parliament the Governor-General shall by message to be laid upon the Tables of both Houses communicate his recommendations as to the matters following—

Consideration by Grand Committee of funds to be appropriated for native purposes:

(a) the moneys to be appropriated by Parliament to the South African Native Trust Fund established under the Native Trust and Land Act, 1933 ;

(b) the amount to be contributed from the Consolidated Revenue Fund to the Native Development Account for the purpose of grants to the Provinces in respect of native education ;

(c) the funds to be appropriated by Parliament in the special interests of natives for any purpose other than such as are specified under paragraphs (a) and (b).

(2) The message shall be referred by the Senate to the committee which shall deliberate and report upon the recommendations.

(3) The report of the committee shall be considered by the Senate and shall thereafter be transmitted to the House of Assembly and to the Minister of Finance.

35 16. (1) Notwithstanding anything in section *sixty* of the South Africa Act, 1909, or in any other law—

Powers of Senate increased.

(a) bills imposing taxation solely on natives may originate in the Senate ;

(b) bills imposing such taxation and appropriating the same for the benefit of natives may originate in the Senate, although such appropriation has not been recommended by message from the Governor-General ;

(c) the Senate may amend any bill in so far as it imposes taxation solely on natives or appropriates revenue or money solely for the benefit of natives.

(2) If the House of Assembly amends any bill passed by the Senate by virtue of the provisions of paragraph (a) or (b) of sub-section (1), the Bill, as amended by the House of Assembly, shall be re-submitted to the Senate which shall have no power to make any further amendments but may either pass it as so amended or reject it.

(3) If the Senate amends any bill by virtue of the provisions of paragraph (c) of sub-section (1) and the House of Assembly rejects any amendment so made, the bill, as passed by the House of Assembly after consideration of such amendments, shall be taken to have been duly passed by both Houses of Parliament.

17. The Governor-General may make regulations, not inconsistent with this Act, in regard to any of the following matters—

Regulations.

(a) the nomination and election of senators under this Act, the procedure to be followed thereat and any matter incidental thereto, including the appointment of returning officers ;

(b) the procedure to be followed in effecting determinations under sub-section (3) of section *seven* and in appeals to the Minister against such determinations ;

(c) prescribing what shall be deemed to be corrupt and illegal practices in relation to elections under this Act and the consequences thereof ;

(d) petitions to court in relation to elections under this Act, the procedure to be followed and the relief which the court may grant in pursuance thereof ;



Vide §15 of Land Bill

TUESDAY, DECEMBER 5, 1933.

# ACTION AGAINST ATTORNEY

## PIETERSBURG M.P. AS WITNESS

### SALE OF FARM TO NATIVES

### OBTAINING CONSENT OF MINISTER

[FROM OUR OWN CORRESPONDENT]

PIETERSBURG, Tuesday.

IN the Pietersburg Magistrate's Court this morning F. van Zyl Slabbert, an attorney, Town Councillor, ex-Mayor and chairman of the Pietersburg branch of the South African Party, figured as defendant in an action in which C. P. Hattingh, a farmer, claims £150.

Plaintiff alleges that in connection with the sale of his farm, Rietfontein, to natives, defendant, who was acting on his behalf, intimated that unless £150 was paid to Mr. J. F. (Tom) Naude in his capacity as member of Parliament for the Pietersburg constituency for intervening and obtaining the consent of the Minister of Native Affairs, the sale would not go through.

G. D. Wheelwright, land agent, had acted previously, but the Minister had refused his consent. Plaintiff signed a promissory note for £150 in defendant's favour and paid the amount to J. Kruger, who acquired the note for value.

The summons further avers that defendant neither promised nor paid Naude anything.

Defendant pleads that plaintiff agreed to pay him £150 for his services in obtaining the Minister's consent.

The case is being heard before Mr. C. E. Stidolph. Mr. M. H. Cohen is appearing for the plaintiff and Dr. Reitz for the defendant.

The first witness, G. D. Wheelwright, said he was instructed by plaintiff to obtain the consent of the Minister to the sale of Rietfontein to natives. Witness forwarded the application for the Minister's consent, with a statement by Matsiba's Kraal Farmers' Association and other Europeans in the Rietfontein area that they had no objection to the sale. Considerable delay took place and witness wrote several letters and sent telegrams inquiring the cause of delay. All the replies were that the matter was under consideration.

Towards the end of April witness discussed the sale of the farm with Major Herbst, Secretary for Native Affairs. As a result witness interviewed Mr. Tom Naude, and informed him that the whole matter was being held up owing to his not having replied to a letter from the Minister. Witness later received instructions that the Minister's consent had been refused.

He handed into Court a letter addressed by Slabbert to plaintiff's wife asking her to call on him so that he could interview Mr. Tom Naude with a view to Mr. Naude obtaining the Minister's consent.

"That letter," said witness, "contained the suggestion that only Slabbert and Naude could put the deal through."

As an ex-native commissioner witness

was able to say he had done everything that is customarily done to obtain the Minister's consent.

#### LETTER FROM MINISTER

Mr. Tom Naude said that Wheelwright saw him about Rietfontein some time before the elections. He advised Wheelwright to see the Minister personally.

Subsequently he received a letter from the Minister asking him whether he had any objection to the sale. Because he knew local conditions the Minister often referred proposed sales of farms to natives to him for recommendation or otherwise. The witness opposed the sale at the time as it was just before the elections. Farmers in general were against the sales of farms to natives.

After the election Wheelwright saw him again and he again advised him to see the Minister, as at recent meetings farmers had objected to sales to natives. Subsequently the defendant saw him. He advised him to see the Minister, giving him a letter of introduction. Witness did not refer to Rietfontein in the letter.

Subsequently defendant told him that the Minister would not give consent unless witness also consented. Defendant explained that he had succeeded in getting the Farmers' Association to waive its objections. Witness later saw the Minister in Pretoria. He told him there was no valid objection to the sale going through.

It had been admitted in a previous case when Kruger sued on the promissory note that the witness had not received a penny and all the imputations against him were withdrawn.

Dr. Hjalmar Reitz suggested to the witness that the letter written by Slabbert to Mrs. Hattingh had reference to the acquisition of Rietfontein under Section 11 of the Land Settlement Act, concerning which plaintiff had seen defendant and the defendant in turn had interviewed witness. Naude replied that Slabbert had seen him, but he could not remember the date or year.

#### DOCTOR'S EVIDENCE

Dr. Nel gave evidence that he had treated the plaintiff for an apoplectic fit. The attack was not likely to impair his memory. Mentally, plaintiff was perfectly normal.

J. J. Grobler, a farmer on Driefontein, recalled seeing the defendant in May, 1933, on private business. The defendant asked him to tell plaintiff that owing to Coalition the political parties were working together and he should come to Pietersburg so that defendant could see Naude to get consent to the sale of Rietfontein to natives. Defendant also said that £100 would have to be paid to Naude.

Cross-examined by Dr. Reitz, Grobler said that in 1932 he saw defendant regarding the purchase of Rietfontein under the Land Settlement Act. He could recall seeing Slabbert again in 1933.

The wife of the plaintiff said that she did most of her husband's business for him. Defendant told her that if her husband wished the Rietfontein sale to be sanctioned by the Minister, he must pay Naude £200, but that Naude would accept £150. She took the letter from defendant in May to refer to the sale of Rietfontein to natives. The letter said that Naude had stated that the matter was again under discussion and that it would be necessary for plaintiff to see defendant so that defendant could arrange with Naude to put the sale through. It ended by saying it was unlikely that Naude would do anything unless he heard from defendant.



# AN UNEDIFYING CASE *Slabber's case.*

A recent civil action in a magistrate's court in the Northern Transvaal cast a disturbing sidelight on a type of mental outlook on business transactions which we can only trust is as rare as it is unedifying. The seller of a farm sued an attorney who had acted as his agent in the deal for the return of £150 on the ground that the money, or part of it, had not been used for the purpose for which it was paid. The case was a remarkable one in several respects, and was raised to a still higher level of public interest and importance by the drastic and (so far as we are able to judge from the printed report) quite justified comments of the magistrate on the conduct of both the plaintiff and the defendant. The latter was granted absolution from the instance with costs, because, in the words of the magistrate, "the case had many unsatisfactory features, and it was difficult for the court to decide on each point which party spoke the truth."

Briefly, the plaintiff's ground for bringing the action was that the attorney had not paid the £150 (or a part of it, amounting to £90) over to the local member of Parliament as a bribe for obtaining the consent of the Minister of Lands to the sale of the farm to natives. In other words, he accused the attorney of having represented to him that it would be necessary to bribe the local M.P. to influence the Minister to give consent, whereas he (the attorney) had treated the whole of the £150 as his own commission for putting the deal through, and had neither promised nor paid the M.P. anything. The court was satisfied that the M.P.'s name had been improperly used in the proceedings and that he had no knowledge of the alleged bribe. At the same time the magistrate alluded to the M.P.'s evidence that "a Minister usually takes notice of what the member of Parliament for the district says, particularly if he belongs to the same party" (the italics are ours), and said of this particular member that he had "consider-

able influence with Crown Ministers." The magistrate further pointed out that until recent years matters relating to the local administration of a district were referred to the magistrate, but this system had been largely changed, and it was to members of Parliament that the Government now referred in such matters. "While I do not presume to criticise the new method," he said, "this case undoubtedly emphasises the invidious position in which a member of Parliament may be placed."

Regarding the plaintiff's case, the magistrate said that although the plaintiff and his wife had withdrawn the imputations as to the M.P.'s complicity in the alleged bribery, "it was a very sad reflection on the moral standard of public life in the district that a farmer of the plaintiff's standing and his wife should come into court and frankly admit their preparedness to pay a bribe to a member of Parliament. The plaintiff, not having come to court with clean hands, could not succeed."

The magistrate was equally severe in his remarks about the defendant's case (and again the italics are ours): "The defendant's explanation of the fee of £150 is very far from satisfactory, even accepting fully his own version of it. *Has the time arrived when members of the legal profession are going to charge their clients according to what it is worth to the client to get a judgment or to put a transaction through? If so, I think it is time the Law Society intervened to stop what is obviously an undesirable practice.* The defendant admits that the usual commission for a sale of farm property would in this case have amounted to £60, but an additional £90 is charged to old and trusted clients because it was worth £150 to them to get the sale through. The explanation has almost as bad an impression on the Court as the plaintiff's explanation of the payment."

Further comment would seem to be superfluous. We give this additional publicity to the case in the hope that it may serve as a warning and a deterrent to others bent upon engaging in similar transactions.

MP = Tom Naudé Pieterdree  
who is one of the Joint Committee  
for the Bills.



Collection no: A1655

Collection: HUNT, Donald Papers

**PUBLISHER:**

*Publisher:-* Historical Papers, The Library, University of the Witwatersrand

*Location:-* Johannesburg

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