

CC.4/36.

P.O. Box 1176,  
 JOHANNESBURG.  
 4th February, 1936.

Dear Sir,

THE NATIVE BILLS

At a Conference held in Cape Town on January 29th and 30th, which was attended by over forty organisations from all Provinces of the Union, and which was called together to consider the Native Bills, the following resolutions were unanimously carried.

REPRESENTATION OF NATIVES BILL

"That the abolition of the Cape Native  
 "franchise proposed in the Representation of  
 "Natives Bill would be an unmerited and flagrant  
 "injustice to the Bantu race, and fraught with  
 "grave danger to the interests of South Africa.  
 "This conference, therefore, urges in lieu of  
 "that proposal, the abolition of an electoral  
 "colour bar throughout the Union, subject, in  
 "the case of Natives to a standard of qualifi-  
 "cation sufficient to ensure the attainment of  
 "an adequate level of civilisation".

NATIVES LAND AND TRUST BILL

"The Conference welcomes the intention to  
 "release further areas of land from the restrictions  
 "of the Native Lands Act of 1913 as providing relief  
 "from the hardships imposed upon Natives by that Act.

"The Conference, however, is unable to agree  
 "with the evident intention of the Bill to limit the  
 "Native population to the total morgenage of just  
 "under 18 million morgen. It urges instead that  
 "provision be made for meeting the land needs of  
 "Natives in the various areas as they may be de-  
 "termined from time to time by means of the Census  
 "and otherwise.

"The Conference welcomes also the proposal  
 "to set up a Native Land Trust. It is, however, not  
 "satisfied as to the extent of the financial resources  
 "set out in the Bill, and urges that these be ade-  
 "quately provided for in the Bill. It is also not  
 "satisfied with the proposal to vest the Trust in the  
 "Governor-General (i.e. in the Governor-General-  
 "in-Council) with the right to delegate any of his  
 "powers and functions as Trustee to the Minister.

"The Conference urges that the Trustee be  
 "not the Governor-General, but that the Trustee  
 "shall be a separate body, the duty of which it  
 "shall be to carry out the duties imposed upon  
 "it, and to report direct to Parliament.

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"The Conference views Chapter IV with serious  
"misgivings since it reinforces the harsh provisions  
"of the Native Service Contract Act and extends them  
"to the Cape Province.

"The Continuation Committee of the Conference  
"is instructed to press for improvements in the Bill  
"in the foregoing respects".

Yours faithfully,

A. Lynn Saffery,

SECRETARY OF THE CONFERENCE

/ML



JOHANNESBURG JOINT COUNCIL OF EUROPEANS AND AFRICANS

At a meeting of the Johannesburg Joint Council of Europeans and Africans, held on Monday, October 21st, 1935, it was resolved to submit to Government the following statement on the Native Bills:-

- 1. This Joint Council has carefully refrained from formulating its views on the Native Bills, until the Regional Conferences with Native leaders, which have just been held by the Secretary for Native Affairs and two members of the Native Affairs Commission, had been completed.

A. NATIVE CONFERENCES ON THE BILLS

- 2. This Council expresses its sincere appreciation of the steps taken by the Government, to explain the Bills to the leaders of the Native people, and to give these leaders an opportunity to express their opinion on the Bills.

This Council endorses the requests, made at nearly every one of these Conferences with Native leaders:-

- (a) that copies of the Bills in the chief Native languages be made available, so as to assist the Natives in familiarising themselves with the contents of the Bills;
- (b) that further time be given to the leaders of the Natives to study the Bills and consult their followers; and
- (c) that a National Conference of Native leaders be convened for the final expression of Native opinion.

- 3. This Council is deeply impressed by the fact that, at the three Conferences held in the Cape Province, Native opinion was emphatically against the proposed abolition of the Cape Native Franchise, and urges the Government to consider the grave embitterment of race relations which must result from abolishing the Cape Native Franchise against the declared wishes of the Cape Native leaders. This Council has good reason to believe that the Native leaders in the other three Provinces do not desire to purchase the new scheme of representation, offered to them in the Natives' Representation Bill, at the price of the loss of the present Cape Native Franchise.

B. THE NATIVE TRUST AND LAND BILL

- 4 (a) Taking into account the present stage of economic development among the Native people, this Council  
--welcomes--



welcomes Chapters I, II and III of this Bill in so far as they acknowledge once again the obligation of this country to provide additional land for Native occupation by releasing further areas from the restrictions of the Native Land Act of 1913.

- 4 (b) This Council also welcomes the proposal to set up a Native Trust to administer funds, not only for the purchase of land in such "Released Areas", but also for the promotion of Native welfare in other respects. In this connection, this Council urges that the policy of the Trust should be, not only to enlarge the areas available for occupation by tribes, or smaller groups of Natives, but also to promote the more effective use of land by Natives, through encouraging and facilitating freehold tenure of land by individual Natives.
5. This Council regards the redemption of the promise of more land for Native occupation, which was written into the Act of 1913 (see sections 2, 3, 4), as a debt of honour to be unconditionally discharged. It, therefore, condemns, without qualification, the attempts which are being made by certain advocates of the Bills, to make the provision of additional land conditional on the abolition of the Cape Native Franchise. The European members of the Council, more particularly, pledge themselves to awaken, by every legitimate means, the conscience of White South Africa to the iniquity of a bargain, by which a cherished right is to be wrested from an unwilling people in return for the discharge of a moral and legal debt which - to the shame of White South Africa - has been outstanding for nearly a quarter of a century.
6. This Council is opposed to the principle of fixing any maximum for the new land to be added to the existing Native Reserves, and cannot regard the maximum of seven and a quarter million morgen, proposed in the Bill, as a final settlement of the claim of the Native people to additional land, for the following reasons:-
  - (a) It is common knowledge that considerable portions of the areas to be "released" are already in Native occupation by purchase or otherwise, whereas some of the best portions of the land which the Beaumont Commission of 1916 and the Local Committees of 1918 had scheduled for release, have since then passed into White occupation.



- (b) No Native census has been held since 1931, and trustworthy figures of the actual numbers of the Native population and its probable rate of increase will become available only through the proposed census of 1936.
- (c) The economic pressure on the Native population in the existing Reserves has increased very considerably since 1913, and yet the area to be "released" under this Bill is nearly two million morgen less than the areas proposed for release by the Beaumont Commission.

7. This Council regards it as a grave defect of the Bill that no definite funds are placed at the disposal of the Native Trust for the discharge of its various excellent functions. Of the sources of income enumerated in the Bill, only one, viz., moneys voted annually by Parliament, is capable of providing any considerable sum for the administration of the Trust itself for land-purchase, and for Native welfare enterprises. Financial stringency in lean years may well reduce even this source to a mere trickle, if it does not dry up altogether. This Council, therefore, urges that the raising of a large public loan of, at least, £10,000,000 be incorporated in the Bill, so as to make it possible for the Trust to work out a long-range plan of land-purchase and Native development.
8. This Council is opposed to the whole of Chapter IV, which it regards as thoroughly unsound economically and socially unjust.

The Council recognises that the existing systems of squatting and labour-tenancy are open to criticism, but it holds that these proposals in the Bill, so far from improving the conditions of Natives on European farms, will make them worse. The plain aim of this chapter is to squeeze out the squatter, and impose an even more complete economic subjugation, than at present, on the labour-tenant. There is no security of position or tenure for either squatter or labour-tenant. There is no adequate guarantee of suitable accommodation for those squatters and labour-tenants who will be displaced. There is the hardship that Natives will be forcibly evicted from land which was the home of their ancestors long before Europeans took possession of it. Those Natives who are retained on the farms have no option other than labour-tenancy on a precarious annual basis, or whole-time service for any wage or no wage at all. The clause securing an evicted Native the right to

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to return for the harvesting of his crops is of doubtful practical value. The whole scheme spells economic bondage.

9. C. NATIVES' REPRESENTATION BILL

This Council rejects the principle of political segregation along racial lines, to which this Bill tries to give effect; and therefore declares itself opposed to the abolition of the Cape Native Franchise, and in favour of a policy such as was proposed in the Joint Committee by Senator F.S. Malan, viz., the extension of the Cape Native Franchise to the whole Union, subject to a stiffening-up, and more careful definition, of the qualifications to be possessed by Native voters, male or female, for admission to the same register as White voters.

10. D. DEFINITION OF NATIVE

This Council draws attention to the fact that the definition of "Native" in the Native Land and Trust Bill differs from that in the Natives' Representation Bill, so that many individuals will be classed as "Natives" for the purposes of the one Bill, but not for those of the other.

In this connection, this Council points out that the correct interpretation of the more elaborate definition of "Native" in the Natives' Representation Bill is still full of difficulty and ambiguity, and liable to create great hardship in application.

More particularly, the status, rights, privileges, of those persons of mixed blood who succeed in having themselves declared "Non-Natives", are utterly obscure. They secure exemption from the terms of these Bills, but whether they are to be treated as "Whites", we are not told.

11. E. GENERAL COMMENTS

This Council holds that the principles of territorial and political segregation of Whites and Blacks, which underlie the Bills, are in conflict with the facts of the inter-racial situation in South Africa. Such segregation would be practicable, if South Africa were, or would still be, divided into White areas, of which the permanent population is exclusively White; and Black areas of which the permanent population is exclusively Black; and if both areas were, in principle, economically self-sufficient. In that case, the Natives in their own areas, under White overlordship (as, e.g., in the Protectorates), could live "their own lives",



entering the White areas, at most, only as visiting aliens (or foreigners), working as temporary labourers supplementing the White labour supply where that should prove insufficient.

In actual fact, this situation does not exist, and cannot be brought about, for the following reasons, among others:-

- (a) The existing Native areas, though reserved for a permanent population exclusively Black, are not economically self-sufficient, and cannot, in spite of possible improvements, be made so, because they are

I. overcrowded (in varying degrees), and

II. both agriculturally and industrially unable to provide the population with the money-income required for payment of taxes, and for the satisfaction of needs growing through ever-increasing contact with White civilisation.

- (b) The White areas require a permanent Native population for labour on White farms; and such labour is effectively held fast there by labour-tenancy under the Master and Servants Act. It is contrary to fact to regard the bulk of Native Farm labour as merely temporary wage-earners, coming from and returning to their homes in a Native Reserve. They are part of the economic organisation of the White areas, and their presence, as a permanent element of the population of the White areas, conflicts with the principles of clear-cut territorial segregation.

- (c) The economic organisation of White Society in White areas, in respect of domestic, municipal, industrial, mining labour, requires constantly the services of several hundred thousand male, and a smaller number of female, Natives. It is true that this labour is to a large extent migratory, but an increasing number of individuals spend the bulk of their adult working lives in White employment, and their prolonged absence has a destructive effect both on Native family life, and on the economic self-sufficiency and development of the Native Reserves. White areas cannot do without the labour of Natives: Natives cannot do without wages earned in White employment - on this rock, segregation once

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more breaks down.

- (d) The present extent, and rapid growth, of urban locations, with their individual houses for Native families, bears witness that Natives are now forming a permanent element of the population of "White" towns, too.
- (e) And, all over South Africa, though to a different degree in different areas, the old homogeneity of Native society and culture has broken, or is in process of breaking, down. The number of completely detribalised, urbanised, civilised Natives may still be relatively small, but it is rapidly growing. The number of semi-detribalised is larger. In short, it is no longer possible to lump all "Natives" together, as if they were an undifferentiated mass, with the same standard of life for all, and the same education (or lack of it.) The Native who is a fully-trained medical man, with American or European degrees; the Native who is a graduate of our own Universities; the Native Minister or Evangelist or Teacher, trained, e.g., at Stofberg Gedenkskool, can no longer be pushed back into the Kraal. It is, perhaps, the most fundamental fault of these Bills that they are trying to ignore, or even to undo, the development of a century, by treating as alike people who are no longer alike, except in the colour of their skins, and by putting a highly-trained professional man on the same level as a "red blanket" Kaffir, as equal units in the counting of heads for a Communal Vote.

12. This Council believes the ideal of total segregation which could alone justify these Bills, to be an unrealisable dream. Historic development, and mutual economic dependence of Whites and Blacks - disguised, but not abolished, by the existence of special Native Reserves - have made a large proportion of Natives an integral part of the structure of South African Society, even in so-called "White" areas. The recognition of this fact makes it impossible to base the Native Policy of the country on the principle of Segregation. On the contrary, it obliges White South Africa to face the unanswerable claim of those Natives who, under pressure and encouragement from Whites, have become permanent parts of the structure of White South African Society, to full opportunities for advancement, and to full rights of membership, in that Society.

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# REPRESENTATION OF NATIVES

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“NOT AT PRICE OF CAPE  
FRANCHISE”

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## VIEWS OF THE RAND JOINT COUNCIL

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The Johannesburg Joint Council of Europeans and Africans, which has refrained from formulating its views on the Native Bills until the Regional Conferences with native leaders had been completed, has submitted to the Government a lengthy statement on the Native Bills.

The Council endorses the requests made at nearly every one of the conferences with native leaders that copies of the Bills in the chief native languages be made available so as to assist the natives in familiarising themselves with the contents of the Bills; that further time be given to the leaders of the natives to study the Bills and consult their followers; and that a National Conference of native leaders be convened for the final expression of native opinion.

### RACE RELATIONS

The Council urges the Government to consider the grave embitterment of race relations which would result from abolishing the Cape Native Franchise against the declared wishes of the Cape native leaders.

“This Council has good reason to believe that the native leaders in the other three provinces do not desire to purchase the new scheme of representation offered to them in the Natives' Representation Bill at the price of the loss of the present Cape Native Franchise,” says the statement.

The provisions of the Native Trust and Land Bill in so far as they acknowledge the obligation of the country to provide additional land for native occupation by releasing further areas from the restrictions of the Native Land Act of 1913, are welcomed by the Council.

Opposition is expressed to the principles of fixing any maximum for the new land to be added to the existing native reserves.

### LABOUR TENANCY

While recognising that the existing systems of squatting and labour-tenancy were open to criticism, the Council expresses the opinion that the proposals in the Bill, so far from improving the conditions of natives on European farms, would make them worse.

“The plain aim of this chapter of the Bill is to squeeze out the squatter, and impose an even more complete economic subjugation than at present on the labour tenant,” says the statement.

The Council is in favour of the extension of the Cape Native Franchise to the whole Union, subject to a stiffening-up and more careful definition of the qualifications to be possessed by native voters, male or female, for admission to the same register as white voters.

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