

CRITICISMS OF THE
NATIVE BILLS

BY

D. D. T. JABAVU
AND OTHERS

(PAMPHLET ONE)

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INTRODUCTION.

The Union Government has taken ten years (1925-1935) to evolve its "Native Bills" that are intended to be a permanent model for ruling its subject non-White peoples in the Union and the prospective Protectorates. The majority of the Africans vitally touched by this proposed piece of legislation have not yet seen it as it was published in English only a couple of months ago. They will understand its contents only when the latter are translated into Xhosa, Zulu, Sotho and Tswana and circulated town by town and village by village in the land. This implies that each headman, blockman and chief will have a copy of these bills in his mother-tongue, and the same done for groups like Advisory Boards and organisations of teachers, ministers, agriculturists, farmers, vigilance associations and the numerous economic and political units falling outside of tribal society. In all probability the Native Affairs Department will need four months to translate and publish these documents in the vernacular languages, and several more months during which to explain them analytically to the Bantu people concerned. The latter will thereafter require time to hold their own meetings for discussion so as to furnish their respective spokesmen with agreed views which will be tabled at a Government conference that will be summoned by the Minister for Native Affairs in 1936 or 1937 under Act 23 of 1920, the "Native Affairs Act" that provides for Government conferences to ascertain Native opinion on all important contemplated legislation affecting Natives. This was the

sensible procedure adopted in 1922 in connection with the promulgation of the 1923 Urban Areas Act; and the present bills are of much greater significance.

Our Government, like all other civilised legislative bodies, is supported by influential daily journals that defend and justify its measures good or otherwise. The case for the inarticulate Bantu is either never heard or is severely handicapped by the lack of a strong press to educate public opinion, and the only public opinion that matters for parliamentary purposes in this country is European public opinion.

This publication is a humble attempt to readjust the balance in order that the weaknesses, the injustice and the defects of the bills under consideration may be better understood. The spearpoint of these bills is universally admitted to be the abolition of the Cape Native franchise. In the name of civilisation it will be a pity if these proposals reach enactment in the statute books in their present form without their framers fully realising the political obliquity that will be reflected therefrom upon South African history. We Bantu are as much exercised as any Europeans about the prestige of South Africa in the eyes of the world of Christendom. Many Whites mistakenly think that to be their exclusive concern. The Blacks may conceivably pity the Union Government when it unwittingly embarks on a policy censured by the rest of modern civilisation, because and only because of not knowing the evil repercussions of such a policy upon the future of South Africa and Africa as a whole. And the future of South Africa will not be a happy one if it is built to-day, even through the pretext of protecting the political

supremacy of the White races, on legislation designed to be unfair to the weaker Black and Coloured races.

In this pamphlet, and other successive numbers of the series, we hope to get together some expressions of views that deserve the notice of our legislators, views excerpted from various publications. Our aim in doing this is to invite co-operation, willing co-operation between the African subjects of the King and the Union Government in the construction and evolution of a policy that will make for future peace, loyalty and contentment among the diverse peoples that constitute the Union of South Africa.

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Alice, C.P.

August, 1935.

NATIVE BILLS THROUGH NATIVE EYES

BY

D. D. T. JABAVU.

The Government Native Bills embodied in the report and proceedings of the Joint Committee recently issued by the Parliament of South Africa have shocked the intelligence of most thinking Native Africans. It is fortunate for the Government that the masses of our people are not aware of what is going on in Parliament as they do not read the papers. This, however, is no security for the European race; for the intelligent Blacks have a way of passing on the information and thus act as an agency to create distrust in the rule of White people.

The Bills clearly indicate that the future settled policy of the land is going to be one of repression, or at least the removal of all advantages hitherto regarded as safe for the Native people.

We Black people generally divide the White race in this country, insofar as governing policy is concerned, into Dutch and English, or north and south, or repressive and liberal people. But this division has proved to be erroneous, because there are many important cross-currents that make such an artificial division doubtful. A generation ago, when the Boers ruled the northern republics, the Blacks in those republics were statutorily denied anything like participation in the counsels of the land. Not only was there no equality in Church or State, but there was not even a pretence at consulting the Africans on matters of rule. The Cape Colony, under the sway of the British made a tradition of liberalism by its franchise grant to all races without discrimination. From this conflict of

policy we discern that education spread by leaps and bounds in the Cape, while it was very limited in the republics.

"Realised Fears"

The result was that the Africans distrusted the movement that resulted in the consummation of Union in 1910 lest the Republic policy be introduced into the Cape, as we looked on it as repressive. These fears have been realised in the present Bills, as I hope to show. To-day we cannot say this is a Dutch policy but the policy of the majority of the White race as a whole, for it is supported by the Englishmen of Natal, a province that boasts of its British traditions, by the whole Nationalist Party of Dutch extraction, and by most of the English-speaking people in the Cape Province except a few in the Eastern Province (East London, in particular) and some in Cape Town. And on the other hand some of the most liberal statesmen we have had are of Dutch origin, the historical "Onze Jan" Hofmeyr, General Botha and Senator F. S. Malan who, to his credit, is still fighting against the proposed abolition of the Native franchise contained in these Bills.

So that Sir James Rose-Innes is fair in ascribing the repressive policy to the north, and the liberal one to the south, as evidenced by the attitude of our statesmen towards the Native franchise; for in the Treaty of Vereeniging the northerners insisted on the exclusion of all Natives from the vote and they repeated this in 1909 when the terms of Union were under discussion. The first quarrel in the Union Government concerned the colour bar in the Dutch Reformed Church and ever since the northerners have had their knife in the land rights and political privileges possessed by the Cape Bantu.

In justice to them we may say they have never pretended to be anything else but enemies of the Cape Native vote. In 1925 General Hertzog declared in his Smithfield address on December 13 that it was his intention, as soon as he could, to abolish this franchise. To this he remained true in his 1926 Bills which may be given the doubtful distinction of being the first landmark in the history of the abolition of the Cape Native franchise. The 1926 Bills contained revolutionary proposals that have reappeared in the new ones under discussion. In the former there were to be seven representatives of the Natives in the House of Assembly, whereas in the 1935 Bills of the Coalition group, which we expected to be more sympathetic than those of the unadulterated Nationalist Party, we are to be ruled out altogether of the House of Assembly, the one section of the Parliamentary organisation that matters. Even if I am debarred by law from being a member of Parliament, I certainly am interested by reason of my civilised standard of life, in the voting processes that influence and direct the disposal of State funds in departments like the Native Affairs Department, which this year absorbs £495,493; Health (£475,146); Higher Education (£870,321); Lands (£208,502); Child Welfare (£250,695); Agriculture (£1,002,260); Assistance to Farmers (£2,745,000); Pensions (£3,248,425); Police (£2,478,250); Prisons (£665,431); Public Health (£475,146); Justice and Courts (£933,274), not to mention Posts and Telegraphs, Public Works, Customs and Excise and Mines which between them account for an expenditure of over £4,000,000. By virtue of the present franchise, the Africans have some say in these matters, though very indirectly and to an infinitesimal degree as compared with

Europeans ; but to expect them to agree to be withdrawn from that position, a position held in trust for the future generations of the northern Africans, is to presume that the common-sense of these people is obtuse and accommodating.

New Cape Departure.

The Senate has nothing to do with the disposal of the moneys mentioned above and it is mostly a mere rubber stamp or registering machine very much like its prototype, the British House of Lords. No one in England would dare suggest that all people of the lower classes should be represented by four members of the House of Lords. The mere proposal in Parliament would bring about a rebellion like the French Revolution. Yet the citizens of South Africa are here asked in all seriousness to approve of Bills that are no less unjust. This is consistent with the policy of the north, but constitutes a new departure for the Cape. It seems incredible, to one born in the Cape, that these proposals will be incorporated in the statute books of the Union without a protest at least from those Members of Parliament who have a grain of sense of justice, especially those who stand for constituencies with Black voters. This is supposed to be justice according to the principles of General Hertzog and his Nationalist followers.

During a Nationalist congress held at Port Elizabeth in October, 1933, one speaker, Mr. B. R. Hattingh (since dead) was reported to be pleading for a coalition with the South African Party, and to say "We want a White South Africa. We want to solve the Native question and we want to get rid of the Native vote. We can never do these things by ourselves." This was uttered when the

proportion of the Native vote had been diminished from seven to three per cent. by reason of the introduction of the Women's Enfranchisement Act (1930), and it is clear that the animus against the Native vote cannot be due to a fear of its influence but rather to the traditional anti-Native spirit of the north.

Great Lesson of History.

The proposal now is that the 5,000,000 Africans of the Union shall be represented by four White Senators while the Europeans who are less than 2,000,000 have 150 Members of Parliament plus 40 Senators. We are to have no individual vote but are to be brigaded in electorate colleges consisting of chiefs, headmen, advisory boards and village councils, all of which bodies possess no primary interest in the franchise as such. In other words the stage is set for the period of a generation, after which we are to cease to have any representation in Parliament, to be taxed without representation—a position that lost the American colonies to England. This is a case of the proverb that the great lesson of history is that no lesson is taken from history. South Africa will be in the happy situation that she can dare to repeat the defiance of England to the American colonists without suffering any material damage, thanks to the illiteracy or indifference of the Africans she rules.

The proposed representation in the Provincial Council amounts to two members for 2,000,000 people and that is to end as soon as roads, hospitals and primary education are transferred to other bodies.

But are these the only matters in which the interests of Black and White are intertwined? This is just where the logic of those who put these Bills forward fails; they

assume that in South Africa the colour of a man's skin separates his economic interests from those of the rest of the population. This would be true if we had complete territorial segregation where one section lived a life independent of another, that is, without interchange of trade or reciprocal service.

The Natives Trust and Land Bill is a step in the right direction, but not more than a step. Its goodness lies in the fact that it will help many Natives to obtain land who are now landless. Purchase of land is always a difficult matter when there is no capital, just as is the buying of a house without ready cash. The proposal will correspond to the benefit granted by a building society to its members for the purpose of securing a home in town. This has long been a crying need in densely populated areas, particularly in the Cape Province, where it is common to find a village of more than 5,000 souls placed in a tiny area, including its commonage, an area in its entirety less than the size of an average White farm.

It is such an insufferable congestion that actually forced one well-known chief in the Middledrift district to emigrate to the Transvaal, far away from the graves of his forebears, to buy land for cash under severe difficulties. Other groups have from time to time been assisted by the Native Affairs Department, which purchased the land to be bought by means of yearly instalments, often in the shape of a local tax.

That is the bright side of the proposal; but when we examine the total amount of land it stipulates, then we meet with the grievance that the extent of 7,000,000 morgen is altogether inadequate to meet the needs of the Africans. Originally, when the Lands Act of 1913 parti-

tioned the land for Whites and Blacks, the Whites were to get seven times the amount of land suggested for our people ; but even that amount of land was never released up to the present day, 23 years after. The intended segregation proved an utter failure because of the illogical rush of legislators to pass a law prohibiting the Natives from buying land from certain specified regions without at the same time promulgating a law to throw open corresponding areas to be available for purchase by Africans.

This position resulted in the bitterest grievance the northern Natives ever had against White rule, for it led to merciless evictions of innocent dwellers on land who were thus made homeless wanderers with their families and movable property. Agitation succeeded agitation but the ear of the rulers proved deaf, and the present Bill shows that our legislators are still adamant and are not prepared to implement their own law to carry out their promise.

Land Hunger.

Europeans frequently preach to us about the iniquity of failing to keep one's promise, to honour one's plighted word even if one suffers personal loss and inconvenience in so doing. We often wonder how far such moral and scriptural behests hold true for South African White politicians. Land hunger among the Africans is a question above mere academic discussion ; it implies life, subsistence, starvation or death ; it merits an appeal to one's religion, faith and moral scruples. In this respect this Bill promises us less than what we had in 1912 before Sauer's Act.

The Native Union Council Bill is supposed to fill up the void left by the disfranchisement of the Cape Natives.

Judged from that angle it is open to all the criticism that can be arrayed against the procedure of depriving people of their franchise without having committed treason or rebellion. Another of its objects is to replace the Government Native Conference established under Act 23 of 1920, generally known as the Native Affairs Act; a conference that served as a safety valve for the combined expression of African sentiments on pending legislation—a conference which however was abandoned by the Government just because it refused to grant its approval of General Hertzog's abolition of the Cape African franchise. It is also meant to be a substitute for the Union Council included in the 1926 Bills, but its terms are less generous than those of 1926. In the original Bill there were to be 50 African members, apart from Europeans, but in the new one, only 16—about a third. It is difficult to understand how this serious reduction can be justified when one compares this number with that of the Transkei General Council which serves but a fifth of the Union African population.

This Bill is an experiment already tried, as we have said under the Native Affairs Act, and as such has its good and weak features, namely that it supplies a chance to the Africans to let out steam even if its effervescence be ineffectual, inasmuch as the Council will be purely advisory and thus inferior to the Transkei General Council. This Bill does not take cognisance of the existence of a large African population outside of rural dwellers, with high educational attainments, possession of property and political intelligence. This section can be represented only through the utilisation of the individual vote as it falls outside existing councils.

The overhead personnel of the proposed Council is rather a drawback on account of its multiplicity; its masters are the Secretary of Native Affairs, the Chief Native Commissioners of Natal, Transvaal, Orange Free State, Ciskei and the Transkei, the Provincial Administrators, the Native Affairs Commission, the Minister for Native Affairs and the Cabinet, all of whom must have their finger in the pie. Too many cooks spoil the broth.

The question of the representation of Coloured persons which was tackled in the 1926 Bills is here suspended for reasons we do not know, but it seems as if the Government is here adopting the ancient policy of divide and rule.

Taking the three Bills as a whole, they offer but little surprise in view of the speeches made by General Hertzog during the last eleven years. They are the logical outcome of a policy he has consistently advocated and which the present writer has equally consistently criticised as defective and illiberal.

The Land and Council Bills would have had to be tackled in any case and have been long neglected, but are now only dealt with in a manner that betrays insufficient sympathy with the aspirations of us Black people. The *piece de resistance* is the Bill to abolish the Native Vote, conferred in 1854 by Queen Victoria's British Parliament, now doomed to be abrogated.

No one so far, except a few public spirited statesmen have had the courage to espouse the cause of the Cape Native vote openly. The majority have chosen to buy peace with the Premier at the price of our head on a charger the sacrifice of our franchise.

For us the regime of the old republics is back and the clock has been put back by a century. We regret the loss

of our treasured privilege now to be removed by a process akin to slow poisoning. We thank all those who stood by our cause, till the die was cast and our doom all but sealed. *Eastern Province Herald*, May 9th and 10th, 1935.

Z. R. MAHABANE

(Vice-President of the Cape Native Voters' Convention).

I believe the majority of the African people will wholeheartedly agree with your proposal for the calling of a National Convention for the purpose of taking counsel on the report of the Joint Select Committee of the Union Parliament, just issued.

The proposals embodied in the Report and the Draft Bills constitute a direct challenge to the African community of the Union. How long shall the African people who form the integral and inseparable part and parcel of the population of the Union be contented with a position of political inferiority and political helotry and of exclusion from the civil organism of this land of their birth? The present occasion calls for the summoning of what should prove to be the largest, most important and representative National Convention of chiefs, leaders and other representatives of all shades of religious, educational, economic and political thought among the African people of the four Provinces of the Union of South Africa. This National gathering should be held at a centrally situated locality which should be easily accessible to delegates from all parts and all corners of the Union.

It would also be most fitting that an assemblage of this colossal character should be held this year when South Africa is celebrating the Silver Jubilee of the consumma-

tion of Union of the four Colonies. The Africans should gather together on this occasion, take stock of the position as a race of people in the country, consider the whole Native policy that has been inaugurated since Union and prosecuted during the last period of twenty-five years, study the culmination of this policy as adumbrated in the draft Bills that are now before the country, "reason together" and publish a statement of their views on the whole situation.

The proposed National Convention should be preceded by local District, Divisional or parochial Conferences, the object of which would be to make preliminary pronouncements, suggest items of the Agenda of the National Convention and elect Representatives to the latter.

For the Convenership of the Convention I would suggest that Dr. P. ka I. Seme, President General of the African National Congress, and Prof. D. D. Tengo Jabavu, President of the Cape Native Voter's Association, be the Joint Conveners; the former to canvass the Northern Provinces and the latter the Province of the Cape of Good Hope. The Joint Conveners might appoint Organizers in various Divisions of the areas allotted to them, who would assist them in the stupendous task of organising what should be a huge Demonstration.

While the parochial Conferences might be held early in July the National Convention might be held on Dingaans Day. *Bantu World*, 18th May, 1935.

A JOHANNESBURG APPEAL.

In the course of an appeal to all African leaders and organisations, a Johannesburg organising committee, consisting of R. V. Selope Thema, M. Matebula, J. R. Rathebe, H. Kumalo, L. L. Radebe and J. S. Kokozela declares that:—"the proposed changes will have far-reaching effect upon the Political and Economic life of our race. The proposed Bills are said to be the foundations of the Union's Native Policy, and they are framed on the principle of territorial and Political segregation; their primary object is to disenfranchise Africans in the Cape in order to prevent the extension of the franchise rights to the African people in the Northern Provinces. Thus they intend to abolish the policy of identity hitherto pursued by the Cape Province and to re-establish the policy of the South African Republic which definitely laid it down that "the people will not admit of equality between White and Black in either Church or State." The bills are toothed and nailed to keep the Africans in a state of subjection for all time.

Surely as a people, we cannot allow such measures to be enacted without letting White South Africa and the world at large know our position and attitude towards a policy which gives us no hope of ever achieving a position of importance in the affairs of civilised mankind. It is because we feel that the future of our race is at stake that we appeal to you to rise above petty jealousies and sacrifice any personal ambition for the race.

The fate of our race hangs in the balance, and we look upon you and others to come to the rescue.

J. L. DUBE.

(Founder of the Zulu weekly newspaper *Ilanga lase Natal* and the educational institution of Ohlange, Natal; first President of the African National Congress and leader of the Natal Native Congress).

The Government's new Native policy was strongly condemned by the Rev. John L. Dube when he addressed a meeting of the Natal Debating Society the other day. There was no reason why, he said, the vote of the Cape Natives should be abolished. They had done well with their vote and the only two constituencies where numbers counted had sent good men to Parliament.

"Prior to the coming of the White to Africa we had our great leaders—our empire builders—who mean as much to us as Rhodes means to Europeans. We had our Councils and we ran our own government. Yet when we came under the White man we were treated worse than children. We are repressed, not controlled as children should be."

Mr. Dube said that the fear that the Native vote would swamp that of the European was not founded on facts, as was shown by the franchise of the Cape, where only 2 per cent of the electors were Natives.

The Native Trust Bill promised 14,000,000 acres to the Natives and for that they should be glad, because one thing every Native wanted much more than the vote was land. But land had been promised in the past. In 1913 additional land had been promised to the Natives and the Beaumont Commission had decided that 1,000,000 acres should be given to them. They had, however, never got it.

Unfulfilled Promises.

"How do we know that 14,000,000 acres will be given to us? I do not want to question the honesty of the White

rulers of the country, but we have been promised things in the past and these promises have never been fulfilled."

The Council which was to replace the vote taken from the Cape Native was to be carried on largely by advisory boards and chiefs.

"The Government is trying to replace what it has already disorganised—our tribal system. Our tribal institutions have been disorganised and the power of our chiefs has been taken away. When we kept our men in reserves you told us we were lazy niggers, but when we send them as permanent labourers to the towns you say we are a menace to industry. In this Council enlightened Natives are pushed aside.

Useless Senators.

"How many chiefs in Natal know what type of European to send to the Senate to represent them? But the enlightened Native with access to the Native and European Press would be able to decide. If the Government had wanted us to have real representation it should have allowed these European representatives to go into the Lower House. Already we have four Senators, but we never see them and they never speak on our behalf when colour bar legislation is introduced.

"We want to be represented in the Lower House, preferably by our own people, but we feel that that would not be allowed. Only the other day the whole of the Backveld was stirred up because a young Zulu was appointed to assist in Bantu studies in Johannesburg University to teach the sons of the Backveld something they did not know. (*Bantu World* 15th June, 1935).

Strong criticism of the Government's new Native Bills was voiced by the Rev. John L. Dube, the foremost Native

welfare worker in Natal and editor of *Hanga lase Natal*, at a meeting held in Maritzburg during the week.

Mr. Dube deprecated very strongly the withdrawal of the franchise from the Cape Native, and said that enlightened Native opinion was ignored in the formation of the councils which were to replace the franchise.

The Natives did not want more representation in the Senate. They already had four members and they saw nothing of them. These men remained silent when the colour bar legislation was introduced.

Sceptical.

The promise of 14,000,000 acres of land made in the new Bills was viewed very sceptically by Mr. Dube.

"Past commissions have promised 1,000,000 acres to us, but we have never had them. How do we know that this 14,000,000 acres will be given to us?"

"I do not want to question the honesty of the White rulers of this country, but we have been promised things in the past and those promises have never been fulfilled."

Mr. Dube said that the Natives wanted their own representatives in Parliament, but the present European feeling would not allow this.

"Only recently the whole of the backveld was stirred up because a young Zulu with a university degree was appointed to assist in Bantu studies at Johannesburg, yet this man had been appointed to teach the sons of the backveld something they did not know."

The problem of the Zulus was a very difficult one.

"If we only work six months in the year we are called lazy niggers, and if we come into towns and work for the

whole of the year we are a menace to industry." he said.
(*Umteteli wa Bantu* 15th June, 1935).

MAJOR VAN ZYL.

Speaking at Sea Point on the 7th May, 1935, Major G. B. van Zyl, M.P., said that he was opposed to the taking away of the Native vote and would fight hard for the retention of this franchise in the Cape.

Major van Zyl, who was addressing the monthly meeting of the Sea Point branch of the United Party at the St. James's Hall, explained the provisions of the Natives Trust and Land Bill, and said that the Select Committee did not wish to be unjust to the Natives and realised that they could not force Natives out of the towns until the Government had provided land for them to occupy. (*Cape Argus*).

R. H. GODLO.

(*President of the Locations Advisory Board Congress, and Recording Secretary of the Cape Native Voters' Convention*).

Commenting on the Select Committee's report on the Native Bills in an interview with a representative of the *Daily Dispatch*, Mr. R. H. Godlo, president of the Locations Advisory Board Congress and recording secretary of the Cape Native Voters' Convention, said:—

"The contents of the committee's report has shocked the entire Native community, and if I may say a few words in addition to the views which have already been expressed by leaders of the Bantu race I would venture to state, without fear of contradiction from any quarter, that the proposed abolition of the Cape franchise will be unacceptable to the Natives.

" It is quite clear that the title given to the Bill— 'Representation of Natives in Parliament'—is enough to mislead our friends overseas. The report does not provide for any representation of the Bantu people. As has already been pointed out from time to time, the Natives hold that the Native franchise right is inalienable and can only be taken away as a penalty in extreme cases, such as treason.

" In my opinion, some of the measures in the Bills can be conceded separately and quite independently of each other. For instance, the land question has been crying out for adjustment ever since the two races first met at the Fish River. The Union council provision is but a natural development of the council system, which has developed from small experimental local councils to general councils and has no connection whatsoever with the Cape franchise. *Daily Dispatch*, 6th May, 1935.

W. G. BALLINGER.

In an interview about the Native Bills, Mr. W. G. Ballinger (adviser on Native industrial and co-operative organisation) said :

It is as yet too early to discuss in detail the Native Bills. It is, however, interesting to note the cleavage of opinion as revealed by the published extract of the Select Committee minutes.

If Liberalism is to be interpreted by the status quo, or in other words the retention by non-Europeans of the Cape franchise, then members of the Select Committee who are of British origin are reactionary. The voting reveals that eight voted for and fifteen against the retention of the Cape franchise. The significant fact is that of the

eight who stood for retention five were Afrikaners and only three British. Of the fifteen who voted for its abolition by process of attrition, four were British. Had those four been true to what is claimed as British Liberalism, the Cape franchise would have remained.

I for one am not surprised at the balance of voting. My experience of southern Africa has taught me not to look for Liberalism, essentially or even primarily, among the English section of the community. I have learned that the percentage of Liberal Afrikaners is at least equal to that of the British. The conviction and active courage with which they stand by their views is often an example to the fuke-warmness and pusillanimity of the professing Liberals of British stock.

The proposal to have four Europeans as senators representing Native interests in the Senate has revealed, according to the minutes, what looks like a startling volte face on the part of Mr. Heaton Nicholls. He apparently proposed an amendment to the proposition to the effect that the senators could be non-Europeans, but subsequently withdrew it before it was even seconded. Since publication of the Bills, Mr. Nicholls has claimed that they are in line with British policy in other parts of Africa. It is a claim which, if taken seriously, should lead to some stocktaking in other quarters. It will be resented as an aspersion on British administration.

Mr. Nicholls must also have been indulging in the gentle art of leg-pulling when in an interview he asserted that the Bills will be found to be acceptable to Black and White and would lead to a rush of Protectorate Natives anxious to join the Union. It is far more likely that the

Bills will be used as clinching reasons why the Protectorates should not be transferred to the Union.

" I am afraid Natives will not be enthusiastic for the Select Committee's proposal of a Native representative council of twenty-two with purely limited advisory functions and comprised of the Secretary for Native Affairs as chairman, five Union Native commissioners, who are all Europeans, four Natives nominated by the Governor-General, and twelve elected Natives. It is obvious that a council so constituted cannot function as it ought to do and cannot approve or criticise effectively a department which has as its head the chairman of such council. Furthermore, nominated persons on a council which is part elected are virtually tied to the Administration " *Reuter*, Johannesburg, 6th May, 1935.

THE TRANSVAAL CONGRESS.

An important gathering held under the auspices of the Transvaal African Congress took place last Thursday and Friday at Pimville Native Township, Johannesburg, over 100 delegates attending from all parts of the Province.

The Congress discussed Native grievances, the Native Bills, and the problem of the Protectorates. The following significant resolution was passed :

" That this meeting unanimously resolves that a national convention of all African chiefs, leaders and organisations, namely, the African National Congress, Native Advisory Boards' Congress, Ikaka la Basebenzi, Communist Party, Cape Voters Association, Bantu Union, Bantu Women's League, African Vigilance Associations, Independent I.C.U., United I.C.U., I.C.U. yase Natal, Interdenominational African Ministers' Association, Joint Council of

Native Ministers, African Dingaka Association, Non-European Conference, African People's Union, and other bodies, as well as representatives from Basutoland, Swaziland and Bechuanaland, be held at Bloemfontein on December 16, 1935, to consider the Government's new Native policy and the incorporation of the Protectorates."

Mr. T. M. Mapikela, the veteran speaker of the African National Congress, moved this resolution as an unopposed motion after a most appealing speech to African leaders and masses to unite, and to bury all political differences in this time of national crisis. He said that too much fault-finding and criticism impeded the forward march of the African. As a result they were losing even the meagre rights they once had. It was time to put the African house in order.

Among the many Reef leaders who met in conference were Messrs. L. T. Mvabaza, C. S. Mabaso, D. T. Mveli Skota, C. Dunjwa, the Reverends S. Mdolomba, J. Mdelwa Hlongwane and Twala, all representing the T.A.C.; G. S. Mabeta, Western Native Township, African Vigilance Association; E. Mahlanza, Benoni, African Vigilance Association, S. P. Mqubuli, the Native Advisory Boards' Congress; J. B. Marks and J. Ngedlane, the Communist Party; M. M. Kotane and A. Chuenyane, Ikaka la Basebenzi; I. B. Muroe, I.C.U.; and representatives of other bodies.

Mr. Matseke, President of the T.A.C., presided. *Umteteli wa Bantu*, 8th June, 1935.

BISHOP OF PRETORIA.

The Right Rev. Wilfrid Parker, Bishop of Pretoria, has some interesting things to say of the Prime Minister's

Native Bills in the June number of "The Kingdom." Writing with his usual forcefulness and candour, His Lordship states :

"When Fusion was accomplished I confess to having felt some alarm lest liberal treatment of the Native problem might be sacrificed as part of the price paid."

"It seems that my fears were well grounded, for I am bound to say, with sorrow, that certain of the important proposals in the Bills are reactionary, and will make neither for peace nor happiness. I wish with all my heart that I could say otherwise."

The really serious point was that underlying the proposals—yet most obvious, was the refusal to regard the Natives as citizens of the Union, or at any rate to grant them any but the most meagre citizen rights. This was shown by the proposed gradual disenfranchisement of the Natives of the Cape.

To take away the right to elect a member of the House of Assembly was a very serious matter, for it could not be doubted that a vote meant power. Indirect representation in the Senate was farcical; from the point of view of the Native such representation was useless; to argue about it was mere waste of breath. The only representation which was of any real value must be in the House which alone wielded sovereign power.

Interests The Same.

To suggest that Natives were to be represented only in other ways seemed to imply that the interests of Europeans and Natives were fundamentally at variance. The Bishop did not believe this to be true; rather the reverse. The interests of both sections were really the same.

“ Cannot we South Africans be brave and just, and so legislate that such Natives who are qualified by education and general status be represented directly in the House of Assembly, at first by Europeans, and after, say, fifteen years by Natives themselves? Is it really possible or wise to thwart the aspirations of a large section of the Natives which is growing in civilisation day by day in spite of great obstacles?

“ No sensible person would advocate the granting of the franchise to all Natives without qualification. For the bulk of the Natives who are uneducated, no doubt some such system as that proposed under the Bills would be the best possible; although even for these, representation, if it is to be of any value at all, must be in the Assembly.” *Umteteli wa Bantu*, 8th June, 1935.

H. D. TYAMZASHE.

(*Secretary of the I.C.U., East London*).

Writing to the Editor, *The Bantu World*, 11th May, 1935, says:—

Sir,—Your leading article was a very constructive and interesting discourse. The personnel of the conveners of a national convention suggested by you to protest against the elimination of the Cape Native Franchise from Native Bills, when they emerge from the Select Committee will be approved by all thoughtful Natives but you cannot call it a “ National Convention ” if you overlook or ignore other important Bantu societies. We have several trade unions with a large membership whose leaders are much travelled and well versed in politics. Then we have the Church to consider. They, surely, should have a voice in this national protest.

You should realise, sir,—and I know it to be your policy—that in order to give force and variety to our attack, we must enlist both the moderate and extreme sections of our intellectuals. Then, to give dignity and complete “nationalism” to your convention you must have the full support and conference of the Paramount Chiefs of the various tribes in the Union.

I would like you to believe that should the Select Committee's report point to the immediate, or even the gradual elimination of the Cape Franchise, Natives will have no other way but to call in what General Hertzog might term “outside intervention” because to disfranchise a people who have not committed treason, open revolt or other serious political offence, is a thing in civilised usage, as serious and wicked as the massacre of a defenceless, harmless and peaceful community. It is an outrage against the international law. It is a political massacre—a thing the civilised world cannot, and will not ignore.

In everyday life the South African Native is no longer in the category of barbarians who can be so easily disfranchised and yet so heavily taxed and exploited. There must be international intervention when the peace of a small defenceless subject race is so rudely disturbed, and when the slave days that the British Empire had blotted out for all time are to be recalled by this political outrage.

The agitation and protestation against the disfranchisement of the Cape Native must be so intense and of such a wide and united national character, that universal attention will be drawn to our case—especially the serious attention of our liege-lord, the British Parliament. A united front will cause the Union Parliament to pause and consider before they embark on this wild-cat mad-man's folly.

The Natives do not rely on bombs and gongs but they hold the big end of the stick industrially and can—in protest—disorganise commercial activities to such an extent that Native disfranchisement will become the bane of General Hertzog's political existence, the reality that kills the dream.

It is true that the proposed incorporation of the Protectorates is part of General Hertzog's Native Policy ; that is probably why the Prime Minister unlike his old self, has taken the " skelm " step of going to the King's Jubilee himself, ostensibly to bluff the British statesmen off their feet and hypnotise them into a hole and-corner agreement. You have therefore struck the right note when you suggested that the chiefs and leaders of the Protectorates should be invited to attend the National Convention. But the paramount chiefs of the Union must also be there.

* * * * *

And to the *Umteteli wa Bantu*, 6th July, 1935, thus :

The Native Bills have been so severely criticised by all broad-minded sections of the community that I don't think their own " mother " would know them now.

However, criticism alone in a negative form will not carry us far. We have to come to the constructive aspect of the case and build up something for the White man to look at and consider. We have to tell the Government—and the world—what we want. They already know what we don't want in these Bills. It will seem an easy matter to say what we want, but in reality it is the hardest part of our task. It will be the duty of the proposed National Convention to set up a case that will make parliament " think hard," as well as to show the world that we know what we are talking about. To that end, it seems to me

that it will be the duty of this Convention to re-draft these Native Bills, and present the draft to Parliament and the country for open criticism or approval.

The White man complains that the Native can produce nothing constructive or original, and for this inefficiency he (the Black) has to take the back seat. Here, therefore, is a golden opportunity to prove that we can produce something better and more intelligible than those ambiguous and complicated Native Bills. Mere resolutions are useless; the archives at Pretoria are stocked full with these futile and plaintive "prayers." A bill drafted by Natives and presented direct to the Governor-General as a matter of courtesy only, as His Excellency is not concerned in our politics, and the Prime Minister, would be the "talk" of the age. It would show that Natives are capable and anxious to help settle their own problems. No doubt sacrifices must be made on both sides. It is just here where political acumen will be put to the acid test. Not for a moment must the Native entertain the idea that he is being oppressed and exploited solely because his colour is black. That is not the case at all. The facts are:

(1) The White man in South Africa has a political, industrial and military fear of the Native because of the numerical strength of the latter.

(2) He fears the Natives' adaptability in education and civilisation, and that these qualities will ultimately make him the ruler of this country if left unhampered by oppressive laws.

However, one notices that the South African White legislator is woefully unable to call a spade "a spade" in

his dealings with the Native people. He hides his head in the sand, like the ostrich, and draws up laws, like the two Native Bills of our subject, in which he attempts to justify his claims and hide his responsibility behind a maze of transparent and monotonous humbug. But in this he fails to convince thinking men that he is legislating in the interests of all and for the good of the country as a whole. He forgets that a law is not an admitted panacea for the ills it seeks to correct simply because it is new. He refuses to admit that the test and proof of its efficacy lies in the fact that it is founded on righteousness—which alone can exalt a nation—and that its path is blazed by changing conditions, such as the transitional stage of the Bantu from barbarism to civilisation. If this is admitted, then it will be idle to introduce obsolete laws because the courts, in the course of time, will be bound to take judicial cognisance of such obsolescence upon their own motion.

In these circumstances, I would suggest that the proposed national convention meets the White legislators in a manner that will dispel the fear expressed in the two heads above mentioned. This is not an impossible proposition if both sides will only meet somewhere between the alpha and omega of their claims and demands, and create conditions and provisions that any reasonable and self-respecting community would be compelled to accept. But the gate must be left open for such Native representation as would put a check on any further class discrimination such as is contemplated in the Native Representation Bill which, by the way, offers no safeguard against the possible evil designs of future governments.

" ENQUIRER."

A Native critic called " Enquirer " writes :—

At first glance at the Native Bills, two things strike one. The first is, the many years the bills have been in the hands of the Select Committee, which fact alone indicates the seriousness and thoroughness in which the matter has been approached. It is a testimony also to the determination of legislators to see that something definite in regard to the Native Problem is arrived at in response, ostensibly, to strong pressure by the European public. The second is the personnel of the Committee directly responsible for the draft Native Bills now before the country, and which, it should be remembered, was a Joint Committee of both Houses of Parliament. Its character and constitution lend considerable weight to the whole matter. It was composed of the leaders of the South African Party and of the Nationalist Party, of whom some were Prime Ministers and Ministers of the Crown during their respective terms of Government. It had the representatives of the old Voortrekkers' school on which was based the Native policy of the old republics of the Transvaal and the Orange Free State. It had the representatives of the liberal policy of the old Cape Colony. Most important of all, it had the representatives of Natal—a province which is not only the most British of all Provinces of the Union, but which also prides itself strongly on its reputation for maintaining British traditions of fair-play. So, it can quite safely be asserted that the Bills embody, practically, the collective will of the European electorate of the Union. The fact that the Committee was not unanimous on its Report is of minor importance. What counts is that the Committee has, in its Report,

brought forward the two Bills now engaging the minds of both the Black and White races in the Union.

Committee must study Bills.

We should, therefore, exercise the greatest caution in our consideration of the Bills. If we deal in a slipshod manner with them, we may do ourselves and coming generations the gravest injustice.

To ensure the fullest measure of consideration of the Bills, I propose :

(i) That we select a few of our men who are reasonably competent or sufficiently intelligent to consider the true bearings of the Bills, and to draw up a memorandum of their views on the Bills as our case in reply to the Bills. Their memorandum should subsequently be laid before the full National Convention as a basis of discussion of the Bills. The National Convention could then, after full consideration, adopt it with whatever amendments agreed upon, *as the considered opinion of our people, as a whole and as our reply to the Bills.*

(ii) The Committee should sit during the coming Christmas and New Year holidays for its work. Our press could oblige by publishing in full, as a supplement to their ordinary issues, the memoranda of the committee.

(iii) The National Convention should sit and consider the memoranda during the Easter holidays of 1936.

(iv) The Government Native conference under the Native Affairs Act to consider the bills "officially" could be asked for or could be arranged for October, 1936. And the bills could be introduced in Parliament in 1937.

(v) The first duty of the committee should be to send a deputation of about three or four of their members in, say, September or earlier, to interview General Hertzog,

Prime Minister, General Smuts, Minister of Justice, and Mr. Stuttaford, the Acting Minister of Native Affairs, to obtain an assurance from them of the Government's willingness not to introduce the Bills into Parliament before its 1937 session. A grant of such a postponement would be a piece of useful strategy, and a convincing proof of the absence of any intention on the part of the Government to steam-roller the Bills against the Natives.

Government must be Sympathetic.

Considering the intricacy of the matter, and its revolutionary provisions of far-reaching importance, the Government—of all parties—will, we feel sure, be the last to refuse the Natives—the people most concerned—the request for reasonable facilities and opportunity of studying the Bills and of conferring together on such a grave matter. It took the Select Committee with all its facilities for sitting regularly for six months in a year, about eight years to bring forward its proposals. The whole object of this scheme is that we should be able to make a thorough study of, and secure the fullest exchange of views on, the Bills *before finally putting down what we would wish to be regarded as the considered opinion of our people, as a whole, on the Bills.* Another great advantage to be gained through it, a fact which the Government should appreciate, is that, both the Transkeian and Ciskeian General Councils would be enabled to have sufficient opportunity to discuss the Bills at their ensuing sessions before the Bills are introduced in Parliament.

My committee would be: Dr. Molema, Rev. Z. R. Mahabane, Professor D. D. T. Jabavu, Mr. R. H. Godlo, Mr. Charles Sakwe, and Mr. Elijah Qamata, as representatives of the Cape Province; Dr. Moroka, Chief Fenyang

and Rev. Nehemiah Motshumi, for the O.F. State; Dr. Seme and Mr. R. V. Selope Thema for the Transvaal; Rev. John E. Dube, Mr. W. W. Ndhlovu, and Rev. A. Mtinkulu, for Natal. The chairman of the committee and the convention should be Dr. Moroka, and the Rev. Mr. Mahabane, the deputy chairman. Professor Jabavu and Mr. Godlo should be the secretary and assistant secretary, respectively, of both the committee and the national convention.

I attach great importance to this selection. It is the most competent, the best, and the most influential we can possibly have to inspire confidence, goodwill and cohesion amongst our people. I place great weight on the selection of Professor Jabavu and Mr. Godlo as secretaries. Great developments affecting race relations throughout the entire Southern Africa are taking place. We are making history. My sole desire is that we should have the most competent men available to collate all necessary material essential to the work, and to draw up and frame our reply. I am fully conscious of the difficulties in the way of this scheme. But I place it before our people for all it is worth. *Umteteli wa Bantu*, 29th June, 1935.

GENERAL SMUTS.

(1) at Standerton. According to Reuter wires,

Replying to a question about his attitude towards the Cape Native vote, General Smuts said he was against the extension of the Native vote, but considered it unjust to take away a right which had existed for nearly 90 years. The number of Native voters was very small, and such a step caused more ill-feeling between White and Black than it was worth.—14th June, 1935.

(2) at Luckhoff.

In reply to their questions, General Smuts said that he was in favour of the Natives in the Cape retaining the franchise, which they had enjoyed for 80 years. There were only twelve thousand Native voters and the advantage that some people expected from depriving these Natives of their franchise could not be commensurate with the disaffections that would be caused.—4th July, 1935.

A BIG MEETING.

At Umtata on June 24 last, a mass meeting representative of all the districts of the Transkeian Territories from the Kei to the Umzimkulu Rivers, decided unanimously that every man present should make a point of attending the Bloemfontein Convention on December 16 next, and that all local organisations meanwhile should explore ways and means of offering constructive suggestions such as these :—(1) To ask the Government to give the Bantu a chance to frame their own alternative Bills; (2) To beg the Government to hold the Bills in abeyance for twelve months till the Bantu people study the proposals fully and are adequately consulted thereon; (3) that the authorities be informed at once that the amount of land promised in the 1935 Bills is totally insufficient for Bantu needs; (4) that the 1926 Union Council Bill be the basis of discussion instead of the 1935 proposals; (5) and that the existing Cape Native franchise be left intact as a heritage for future Bantu citizens in South African territories present and prospective. *Imvo*, 16th July, 1935.

AN INTERVIEW.

"The franchise proposals contained in the draft Native Bills will tend to make us more or less communistic in our future aims and attitude towards European government in general." This opinion was expressed in an interview with the *Natal Advertiser* by Mr. D. D. T. Jabavu, Professor of Latin and Bantu Studies at Fort Hare and vice-chairman of the South African Institute of Race Relations.

"The abolition of the Cape Native vote," he added, "will close the door to all those desirable possibilities which the future held for us and in that respect these Bills will, therefore, definitely put the clock back. The Bantu will never cease to agitate, legally or illegally, until they finally secure those privileges conferred on them through the goodwill of the rulers of Queen Victoria's reign."

Plea for Time.

The Government, Professor Jabavu said, had spent many years on the Native Bills and he thought it only fair that it should give the Natives reasonable time to consider and digest them.

"We are a very wide-flung population and it is no easy matter even to get meetings of our own. To allow the Bills full consideration, the Government should not proceed with them for at least another 12 months.

"It should also take further steps to consult Native opinion as it has the right to do under the Native Affairs Act of 1920, under which conferences were called at Pretoria to enable Natives to express their views on all important impending legislation.

"The disuse of that conference has been a loss to both White and Black as the Government has since been in the habit of riding roughshod over the feelings of the Natives

by not consulting them on matters affecting them very intimately."

Some Advance.

There was certainly some advance made in the present measures, he continued, in the definite promise of regular consultation under the Native Council proposal, which would ensure consultation with provinces hitherto completely ignored by the legislature.

This, however, did not strike him as reason enough to abolish the existing Cape Native vote, although the defenders of the present policy averred it was useless to the Native.

"It may be useless as a machine for changing and influencing feeling in the Union as a whole," Professor Jabavu said, "but it is of priceless value to its possessors in that it has saved them from many laws which discriminate unjustly against Natives. It exempts us, for instance, from pin-pricking legislation like the pass laws. It also gives us the right to buy land where we please in the Cape Province, whereas the present Bills will cut that ground from under our feet.

Dignity of Citizenship.

"It also confers on us the social dignity of citizenship which we prize very highly, whereas its abolition will eventually reduce us to something like the Greek helots and pariahs of society who had no voice whatever in the counsels of their Government.

"Moreover, we have held this privilege for the beautiful day when a more reasonable attitude towards Natives will prevail in the Union and when it may be seen fit to spread the privilege to the northern provinces.

"I very much regret to notice the tendency of the

Government to go back on the liberalism of the Victorian era, which gave us Black people a genuine pride in British institutions. These proposals will tend to make us more or less communistic in our future aims and attitude towards White government in general." *Natal Advertiser*, Durban 8th July, 1935.

"WILL NEVER CEASE TO AGITATE."

"The Bantu will never cease to agitate until they finally secure those privileges conferred on them through the goodwill of the rulers of Queen Victoria's reign."

This striking statement was made by Professor D. D. T. Jabavu in an interview at Durban on Monday in connection with the Native Bills. Professor Jabavu further stated "the franchise proposals contained in the draft Bills will tend to make us more or less communistic in our future aims and attitude towards European government in general. The seriousness of these statements becomes patent when it is remembered that Prof. Jabavu is one of the African leaders who stand for co-operation and mutual understanding between White and Black. There can be no doubt that these measures are causing a great deal of ill-feeling between the races, and that they are creating an atmosphere of antagonism which must eventually enflame the embers of race hatred.

The refusal to recognise the African as an integral part of the national life of South Africa is not conducive to peace and goodwill. There is no race that can submit for all time to injustice and misrule, and the Bantu will be inhuman if they do not revolt against laws which make it impossible for them to realise their ambitions and aspirations as a race. The primary object of the Bills is to

segregate the Black man from the White man both economically and politically, but unless this means the creation of two States the scheme will not succeed. As no two objects can occupy the same space at the same time, so no two nations and two civilisations can be developed in the same country and under the same governmental control. Political and economic segregation of the Africans to be just must enable them to live their lives to the full without let or hinderance. But White South Africa is not prepared to carry out its segregation policy to its logical conclusion. And no one can deny the fact that the enforcement of this policy, without creating two States, will react disastrously upon the economic and political development of the Africans.

"The abolition of the Cape Native Franchise," as Professor Jabavu points out, "will close the door to all those desirable possibilities which the future held for us; and in that respect these Bills will, therefore, definitely put the clock back." It has been our fervent hope that within the British Commonwealth of nations, our race will also find room enough to grow into full manhood. British justice and freedom were never meant to be the heritage of White races only; they were meant to be inherited by all who came under the pale of British influence. When we claim this freedom and justice we do not for a moment suggest that the White man should allow us to come into the ambit of his social life. What we claim is that politically we should be allowed to have a voice in the administration of our country's affairs and in directing the destinies of our race. "Where large bodies of civilised men are subject to alien control," says a writer, "unrest is inevitable. People will not be content unless they are governed

by men of their own race and language, who share their customs, understand their character and sympathise with their aspirations." Democratic government can only do justice to those who control the power of the ballot, and a European oligarchy cannot be expected to deal justly and fairly with men and women who have no franchise rights. What we call on White South Africa is to show some real greatness of heart which will attract in its turn a genuine spirit of co-operation from our side. The abolition of the Cape franchise does not in any way provide the solution of the so-called Native problem. On the contrary it complicates its complexity and creates a racial antagonism detrimental to the peace and prosperity of South Africa.

Professor Jabavu urges the Government to consult Bantu opinion on the Bills by holding a conference under the Native Affairs Act. We entirely agree with this suggestion and hope that the Government will accede this request. It must be clearly understood that without the assistance, goodwill and co-operation of the Africans White South Africa can never solve the problems of our interracial relations. What is most needed is a radical change of mind and will and heart. What we really believe in is a meeting of European legislators and leaders of Bantu thought in order to come to a frank and honourable understanding. If once such an open channel of communication could be cut whereby sincere thought might flow freely between us, unobstructed by mutual jealousy and suspicion, and unimpeded by self-interest and racial pride, then a way to an everlasting peace in Africa would be paved. Otherwise the Bantu will never cease to agitate until they have finally secured the franchise rights." *The Bantu World*, 13th July, 1935.

VOTERS' RESOLUTIONS.

At an emergency meeting of the executive committee of the Cape Native Voters' Convention held in East London on Saturday, July 13, for the purpose of examining the franchise proposals contained in the new Native Bills, it was unanimously resolved :—

“ That the Government be asked to preserve the existing Cape Native franchise unaltered on the following grounds :—

“ (1) It has always been wisely used as a voice of the Bantu people since 1854, when it was first granted.

“ (2) It will be a backward step for the present Government to annul this privilege, which has never been abused at any time.

“ (3) The confiscation of citizenship without rebellion or treason is an irregular and unprecedented course on the part of any modern State.

“ (4) The entrenchment of the Native vote in the Union Act was a gentlemen's agreement, implying the duty of honour that it be left untouched as a privilege for future Bantu generations.

“ (5) Apart from all considerations of political influence, this vote is a dearly prized symbol of citizenship—highly appreciated by its individual possessors on the lines of the dignity attaching to the traditional court of all Bantu peoples.

“ (6) Its retention will make for peace and satisfaction among the various non-European elements that constitute the Union population, being, as it is, held in trusteeship

for the future for all other races in the Union who aspire thereto as the consummation of true citizenship.

"(7) The representatives of the Native voters humbly request the Government authorities to give at least 12 months' time to the Native voters and other sections of the Bantu population to study the Native Bills as a whole and to be able to offer constructive criticism to the Government upon them." Reuter.

THE OLD CAPE FRANCHISE.

The *South African Outlook* publishes the following article on the Native franchise question :

It is an unfortunate thing for South Africa that the number of political leaders who have had experience of the actual working of the Cape system previous to Union is now so small.

People who have come to this country since Union, like those brought up in the up-country provinces, have great difficulty in seeing the point of the arguments used in favour of the old system. The danger to White civilization of allowing the Natives to share, and especially to share in a potentially increasing measure, with the White race in the business of government seems on the face of it so enormous that, as the Prime Minister puts it, they have a "wise fear" in the matter.

And yet, why is it that the men who have been fighting for the old system are not mere strangers from overseas without proper understanding of South African conditions? They are sons of the soil; they belong to both races; they are men with long records of distinguished service to the State in Parliament and on the Bench; they are the elder

statesmen of the country. Moreover, they have lived and worked under the old Cape Constitution and it is from personal knowledge and experience of that Constitution that they speak. And it goes without saying that they have no axes to grind.

To the younger generation the old Cape system is a mere matter of history and theoretical study. It is not easy to envisage to-day what it was or how it worked.

The Cape Colony before Union was a settled State with a long history. For all races alike,

Admission to the Voters' Register

was on a uniform basis of education and salary or property. From one end of the country to the other polling booths on election days admitted voters of all races without question or distinction. The way was open for men of any race to aspire to membership of Parliament. Voters did not vote by race. They supported parties. The thinking men, the leaders, of both the great parties were well satisfied that they had achieved a sound system of democratic government, and the rank and file acquiesced. There was general contentment among all races. Cape statesmen were not afraid of the increasing Native vote. They spontaneously extended it to the great Transkeian Territories. Neither were they afraid of educating the Natives, although the franchise depended in part upon education. On the contrary, the old Cape Colony was the only State in South Africa that gave liberally for Native education. It was the aim to educate the Natives. Every educated Native man was a pro-White. He was an asset to the cause of order and good government.

Now, beset as we are with fears and complexes, we are at a loss to account for the bold statecraft of the old Colony.

Was it born of recklessness and thoughtlessness, or was it born of courage and true wisdom ?

Let us look again at

The Native Voters of those Days.

One large section supported the South African Party ; the other was equally enthusiastic in its support of the Progressive Party. Dr. Brookes, in his admirable recent book *The Colour Problems of South Africa* has been misinformed when he says (p. 86) “. . . the Cape election of 1903 had just put the Jameson Progressive Ministry in office by a solid Black vote with thousands of White ‘ rebel ’ voters disqualified.” The South African War had disturbed very seriously the previous good relations between the two White races in the Colony, and had forced the issue at the election in question on to race lines, the Progressives coming out victors because so many of the other side had been temporarily disfranchised because of the part taken by them in support of the Republics. But the idea that there was a solid Black vote for Dr. Jameson is not correct. The leading Native newspaper carried on a vigorous campaign against him and the Native vote as usual was divided.

The Cape policy was based upon the conviction which was firmly held by all sections, Native, Coloured, White, that

Leadership was Inherent in the White Race.

No one questioned this conviction. The way was open for any one to rise, but it was obvious to all that for generations to come, though here and there a Native or Coloured man or East Indian of parts might be able to gain the confidence of a constituency, White leaders would continue to lead and rule. And if the question is asked

how were those Native voters able to form judgments upon the many complex questions that came before Parliament, the answer is twofold. These voters had their own leaders. Each section had its own newspaper and these papers were edited by men of outstanding ability, well able to interpret White ideas to their readers. The second part of the answer is even more significant. It is well known that Natives, even if not very well educated, are shrewd judges of character, and the principle the Native voters habitually went upon was "Men not measures." This being the case, men of the highest standing were elected, and were proud to be elected by constituencies with a large Native element; and great administrators, when they retired, were ready, as they are to-day, to offer themselves for election to those very people over whom, as chief magistrates, they had held rule. There was a good spirit between the races. It was the Union Act itself, with its illiberal provisions and anti-Native bias, that first drove the Natives in self-defence into one camp.

The Cape Colony before Union was a well-ordered State, able to hold up its head before the whole civilised world. It had nothing to be ashamed of.

The first serious criticism of the Native franchise, as Professor Brookes points out, was made by the South African Native Affairs Commission of 1903-5. "It adduced no evidence (nor has anyone else) that the Natives used their votes less intelligently or less uprightly than the Coloured community, with whose rights it did not propose to interfere. The commission, too, was swayed by the desire to arrive at a compromise policy for all South Africa in pursuance of Lord Milner's plan of 'federation from above,' and the three members who had had experience

of the Cape franchise were outvoted and out-generalled by the seven who had not."

The same thing happened again

At the National Convention.

The Cape representatives, representing both the Cape parties, fought desperately for the Native franchise. They fought because they knew that the system they, and they alone, had to offer was one which, if extended to the other more backward, pioneering, parts of the country, would in the end save South Africa. But the ordered State they stood for, though it was the mother State and had all the experience, was overwhelmed. The up-country States were too backward. The time was not ripe.

In the recent Joint Committee of both Houses of Parliament history has again repeated itself. The Cape members again were found fighting a rear-guard action on behalf of their Native franchise. But this time the minority (of eight as against 15) included two up-country representatives, and it is significant that one of the new converts was General Smuts.

When one thinks of the embarrassing complexities of the new Bill, the straight-forward simplicity of the old Cape franchise shines by contrast.

Up-country educated Natives, when the Prime Minister brought forward his Bills a few years ago, took up the position that they would rather wait 50 years for the Cape franchise than accept a substitute at once. It was a sagacious conclusion; and it may be that when 50 years have passed, when the phobias have had time to die down, the White race will be ready to offer full citizenship to their Bantu fellow countrymen on some straight-forward civilisation test. One can hardly think that the present

solution contains the elements of permanency ; it is too forced, too artificial, to unprogressive. 1st June, 1935.

A JUBILEE PRESENT FOR THE BLACKS.

The South African Government has at length tabled two Bills about Native policy, the franchise and the land. They are callous, reactionary, repressive and likely to be calamitous. And they are not merely matter for South Africa. It was no innocent coincidence that brought General Hertzog to England, primed to demand the cession of the Bechuanaland and Swaziland Protectorates and the Basutoland Crown Colony, only a day before the Native Bills were laid before the South African Assembly. It had been said by high authorities here that South Africa should declare her Native policy before cession could be considered. And so, although countless laws like the Colour Bar Act, the Pass Laws, the Masters and Servants Act, had pointed the precipitous way of South African Native policy, General Hertzog chose this moment to complete the nine years' work of Select Committees and produce his Native Bills, perfectly toothed and nailed to keep the Native ever in subjection. The idea is to use the Jubilee as an occasion for persuading the British Government to betray His Majesty's black subjects to please some of the Whites in South Africa.

What are the principles of these two Bills? They can be discussed under four heads—the disfranchisement of the Cape Natives, the election of senators, the establishment of a Native Advisory Council, and the machinery devised for enlarging Native reserves. It was in 1852 that the Cape Native was enfranchised, and the conditions of his enfranchisement were the same as the White man's.

He had the same property and educational qualifications to fulfil; race, creed or colour were not considerations to those who built our Empire firmly then. In 1910 the first shock came, for at the National Convention which framed the Act of Union the three other provinces, Transvaal, Orange Free State and Natal, tried their utmost to demolish this pledge of equality before the law. The Cape members resisted, and safeguarded their Native voters by the "entrenched clauses" in the Act of Union. Those clauses are meaningless now. The Statute of Westminster has swept one away and the fusion of the Nationalist and South African Parties provides the two-thirds majority vote needed to amend the constitution. Nor did the Government wait for fusion before they started to whittle down the Native vote, partly by a calculated, discriminating control of the Native voters register, but above all, by instituting universal suffrage for Whites of both sexes without altering the conditions for the Cape Native voter.

Nevertheless, in thirteen constituencies out of the 150 which fill the South African Lower House or Assembly, the Native vote must still be considered. The latest by-election at East London North is an excellent case in point, for there the majority of the Dominion Party candidate, who defeated the Government after revealing and denouncing their Native policy, was the exact measure of the Native vote. But their vote means far more than a certain amount of electoral "pull;" it carries with it exemption from some of the civil disabilities that other Natives labour under and has become a symbol that the Black man is not a slave, that he can qualify for equality. That is why the Government wishes to abolish it.

Instead of these seats in the Assembly for Cape Natives alone, the Natives are now offered four seats in the Senate—a reform which the South African Government and the *Times* cynically call “advance.” For what is the Senate? It is, like any other second chamber, an inferior chamber. When Dr. Malan, whose influence grows daily, becomes Prime Minister he intends to abolish it as Mr. De Valera is abolishing his Irish Senate. So much for that dud, the South African Senate. And on what terms will those four White worthies be returned to their Senate—for White they will have to be? They will be elected by groups fantastically called “colleges” of Native chiefs and headmen, men who are not only the leaders of tribal reaction, but depend for their tenure and livelihood on Government approval. The educated Native who was encouraged by the old Cape system, whose monuments are the great Native school Lovedale, the University College Fort Hare, the Agricultural College Fort Cox, the Native paper *Imvo*, the Transkeian Parliament called the Bungu—he has gone too far, he must be thrust down. The lackeys of Government must take his place and choose Native “representatives.”

So much for dud election to the dud Senate. Even South African legislators seem to have thought that this substitute for the common franchise was too flimsy to stand by itself. Like those guilty children who blurt out two alternative excuses at the same time, they hold in one hand four chairs in a dying Senate, in the other a Native Advisory Council, based, of course, upon the “colleges” again. Judging by the name one would think that it was something new; it may therefore surprise people to learn that a similar form of Council called the Native Conference

and in composition far more representative, though legalised since 1920 has not met for years, because South Africa is afraid to hear the collected bitterness of her future sub-citizens, the Natives. So instead of the Conference we are to have a submissive Council of twenty-two men, and lest even such a worm should turn, only sixteen will be Natives, four of those sixteen will be direct Government nominees, and all that the body will do will be to "advise" the Government. The Native members will be able to vote, but the White chairman, the Minister of Native Affairs, will not. Generous concession! He will only have a vote in Parliament.

An ignorant but zealous correspondent has said that this Advisory Council is built on the same lines as the Bunga, or General Council, which rules the vast Native territory known as the Transkei. The Bunga, of course, confers on local administration, on affairs that affect Natives as Natives only. The wider issues of black-white competition in industry are outside its sphere, and if it did pass resolutions on them they would not be considered. Such issues will be within the scope of the proposed Native Advisory Council. No comparison is possible and no lessons for the one type of Council can be drawn from the other.

We have left the subject of land to the last because it is the funniest and it seems fitting to end this unpleasant recital with a hollow joke. Seven million morgen, or 23,000 square miles, are to be set aside for Natives, and this land will be acquired by a Board of Trustees appointed by the Governor-General—in other words, the Government. To estimate this palatial offer at its true value, remember that Natives at the moment possess only

10,000,000 morgen throughout the Union ; as for the size of this incredible gift, two-thirds of Natal gives a rough estimate. The only trouble is that there are no 7,000,000 extra morgen for Natives in South Africa, and that every effort so far made to find new land for the Bantu has failed. Where are there then the suggested 7,000,000 morgen ? Ten million acres are promised in the Transvaal, 3,000,000 in the Cape, 200,000 in the Orange Free State, and the rest in Natal. Six Committees which have sat on this subject have shown that unalienated habitable land for Native settlement is practically non-existent in these provinces. On the other hand, there has long been talk of settling surplus urban Natives in the immense waterless Crown lands of Bechuanaland. It is therefore suggested that, if Bechuanaland is absorbed by the Dominion, it would be possible to partition it between the Cape and the Transvaal. In that case the land would be found in these provinces after the transfer. A good joke, this ; if you want Bechuanaland you must state a Native policy to show you mean well by the Bechuanas. You reply that as a proof of your goodwill you promise the Natives additional land which must, in fact, come from Bechuanaland, if you are allowed to have it.

This cynical suggestion has several points to recommend it. The land would not cost the South African Government twopence, and its allocation to Natives would not infuriate the farmer class (which returns the Government to power) as allocation of land within the present boundaries of the Union has always infuriated them. The trustees who " acquire " the land are given it ; the Crown lands pass with the title and the surplus urban Natives, who are dumped upon them, can safely starve

Ask many South African farmers what South Africa is to do with her landless Natives and the answer is a slogan : " Send them to the Kalahari, where they will die." Cynical as this suggestion sounds, the " Bechuanaland solution " is widely talked of in South Africa, because it is the easiest land policy for the South African Government. For the Imperial Government to transfer the Protectorate in these circumstances would indeed be an odd Jubilee present to her Native races. *The New Statesman and Nation*, 11th May, 1935.

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