

RACE RELATIONS

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NOTE

The purpose of this journal is to make available to the members of the South African Institute of Race Relations facts and authoritative statements having significant bearing upon the racial situation in Southern Africa.

Except where expressly stated, views advocated in articles published in *Race Relations* do not necessarily express the views of the Institute.

Articles are published in whichever of the two official languages (English and Afrikaans) of the Union of South Africa they are submitted for publication by the authors.

Communications in connection with the journal should be addressed to the Editor, *Race Relations*, P. O. Box 97, Johannesburg.

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Extension of the membership is much desired.

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RACE RELATIONS IN 1936*

A SOUTH AFRICAN SURVEY

By

J. D. RHEINALLT JONES

Note — This is the second annual survey. On this occasion an account of Native affairs in Southern Rhodesia is provided in a separate contribution in this issue.

LEGISLATION

The Native Bills

Last year's survey closed with an account of the division of opinion on the Native Bills and with the statement that "among Europeans the conflict of principles in racial policy had become sharper, the issues more distinct". The 1936 survey may well open with a short account of the controversy over the Representation of Natives Bill which flared up with the opening of Parliament in January 1936.¹

The Bill, it will be remembered, proposed to limit the Native franchise in the Cape Province to those on the voters' roll at the passing of the Bill, to provide for the election of four European Senators by Native electoral colleges to be set up throughout the Union, and to establish a Native Representative Council of twenty-two, to which the electoral colleges would elect twelve Natives and the Government would nominate four Natives, the remaining six members being European Government officials.

Conferences of chiefs and other representative Natives convened by the Minister of Native Affairs and the All African Convention, consisting of 400 delegates of Native organisations, had shown quite unmistakably that Native opinion was opposed to the Bill, and a number of religious and other bodies interested in Native welfare had also expressed themselves in opposition to the Bill. Many members of Parliament also felt that the Bill went too far in depriving the Cape Natives of the right to the personal vote. There was very great doubt too of the course which the main opposition — the Nationalist Party — would take on the Bill, since most, if not all, in this party would have preferred to abolish all forms

of Native representation in Parliament, a view also held by a considerable number of the Prime Minister's followers. Since it had been understood that members of the Government party would be free to vote as they chose on the Bill, it was thus by no means certain that the Bill would be carried by the necessary majority of two-thirds of the membership of both Houses of Parliament sitting together. The effects of the defeat of the Bill upon the political situation were likely to be very considerable, so that the Bill was introduced into Parliament in a tense atmosphere. The excitement was increased by rumours of the possibility of the Native leaders accepting a compromise. For some weeks several members of Parliament with Native constituents had been engaged in an effort to secure a compromise that would maintain the right of the Cape Natives to exercise the personal vote, but in the election of special parliamentary representatives, as had been proposed in the Bill, which had been rejected by Parliament in 1929, they sought to persuade the Native leaders to put this forward as a request to the Prime Minister, and the Prime Minister himself made the same suggestion in an interview with the leaders, but, after a long and anxious discussion, they refused to do so, on the ground that their mandate from the Convention did not permit them to propose the compromise. It was found, however, that the compromise would secure the almost unanimous support of the Government party, and the Prime Minister thereupon withdrew the Bill and introduced another ("Bill No.2") which embodied the terms of the compromise and maintained the right of Cape Natives to a personal parliamentary vote, but on a separate register and for separate representation. "Bill No.1" had endeavoured to reconcile three different opinions.

* Address delivered by public session of the Council of the South African Institute of Race Relations in the University of the Witwatersrand, on January 25th, 1937.

(1) By the abolition of the Cape Native franchise it had tried to satisfy those who held that Natives should be excluded from any form of political representation; (2) by the establishment of the Native Representative Council it had tried to satisfy those who thought that Natives were entitled to be heard in all matters affecting themselves; (3) by the special representation in the Senate and the establishment of the Native Representative Council it had met the views of those who, while agreeing that the Cape Native franchise should go, were prepared to give Natives a definitely limited share in political power and were concerned to find another form of Native representation. A fourth viewpoint was not satisfied: that which considers the Native population as an integral part of the State and entitled to qualify for citizen rights, although not necessarily on the basis of adulthood, as in the case of Europeans. "Bill No. 2" represented a gain to the third view. It did not satisfy the first and the fourth. The new Bill was passed after long and stormy joint sittings of both Houses of Parliament, but with an ample margin for the requisite two-thirds majority. Among the many notable features of the debates was the declaration of the leader of the Nationalist Party — the Hon. Dr. D. F. Malan — that his party favoured the separate representation of the Coloured people. Outstanding also was the speech by the Hon. J. H. Hofmeyr, the Minister of Education, Interior and Health, opposing the Bill in the third reading.

An effort to persuade the Supreme Court that the new measure had not been passed in accordance with the technical requirements of the South Africa Act proved unsuccessful.

Later in the session the Native Trust and Land Bill was passed with very few amendments. This was the second of the measures which Select Committees of Parliament had been considering since 1927. While carrying further the principle of the territorial separation of Native land rights from those of non-Natives, as laid down in the Natives Land Act of 1913, it made provision for the release of seven and a quarter million morgen of land from the restrictions of that law, and established a Trust with extensive powers to purchase and administer land for Natives. The Prime Minister announced, at an early stage in the discussions, that the Cabinet had decided to set aside ten million pounds, or as much more as might be necessary, to enable the Trust to acquire the additional land. Fearing that discussion on the actual land to be released as scheduled in the Bill might cause the Bill to suffer the fate of the efforts made nearly twenty years earlier to release land for Native occupation, the

Government decided not to accept any amendments to the schedule and strongly discouraged any discussion of it.

The Bill as passed also makes it clear, in Chapter IV, that outside the Native areas of the Natives Land Act of 1913 and those acquired under the new Act, Natives have no permanent rights of occupation, and may reside on farms belonging to Europeans only so long as they are in the service of Europeans, either as full-time servants or as duly authorised labour tenants, wives and minors however being permitted to remain with their men-folk.

The Act came into force on August 14th, 1936, but the application of Chapter IV was suspended, since a great deal will have to be done to enable Natives to move into the new areas before the stringent provisions of Chapter IV can be applied. No time has been lost by the Native Affairs Department in acquiring land. Under the Act, Crown land in the released areas was vested in the Trust and other land has been purchased. Active steps have been taken, under a newly appointed Director of Native Settlement, to place Native families on the land thus acquired, and extensive plans for the agricultural development of the new areas are being put into operation.

Thus in one session of Parliament two measures have been passed which aim at carrying political and territorial segregation several stages further. How far they will take the country along this road time only will tell. And what their ultimate effects will be on race relations in the Union it is not possible to judge now. At the moment, among the vast majority of Europeans there is a sense of relief that measures which have been before the country for many years have been placed on the Statute Book, and there is also the quaint hope that the "Native problem" has been solved — for the time of this generation at any rate. Among thinking Africans there is a great deal of resentment against the use of political power by the White man to abolish that franchise which was to them a symbol of their political manhood. They have, however, withstood the temptation to boycott the Representation of Natives Act, and are turning their attention to the selection of their representatives. They are also alive to the vital importance of the provisions of the Land Act to their people.

A third measure designed to complete the turn of the segregation screw — the Urban Areas Act Amendment Bill — was not brought forward into Parliament; but a departmental committee appointed by the Minister of Native Affairs surveyed the situation in the urban areas of the Union, and a new Bill — the Native

Law Amendment Bill — has been drafted on the results of their enquiries. The Bill was published on December 31st, and its purpose is to amend the law relating to Natives in urban areas, to the regulation of the recruiting and employment of Native labourers and to the acquisition of land by Natives. The Bill has since been withdrawn and the subject matter referred to a joint Select Committee of Parliament.

Aliens Bill

There were numerous references in the Press during the year to the likelihood of the Minister of the Interior and the Nationalist leader each bringing measures before Parliament for the control of immigration, and since the close of the year the Minister has gazetted an Aliens Bill, which is likely to provoke considerable controversy.

The immigrants during 1936 numbered 5942 as against 2425 in 1935. In the light of the anti-Semitic agitation, which will be referred to later in this review, it is interesting to note that the S. A. Jewish Board of Deputies in a pamphlet, *The Jews of South Africa*, claims that for the five years 1930-35 the immigration of Jews averaged 907 per year, or about 40% of the total immigrants. The figures for 1936 are not available to me at the time of writing, but the publication mentioned states that an unusually large number of Jewish immigrants from Germany arrived in the latter part of 1936 because they knew that changes in the law were imminent.

In the circumstances, consideration of the wider question of the control of immigrants tends to be restricted by concentration upon the Jewish aspect. This is unfortunate, as such aspects as the effect of restricted immigration upon the demographic tendencies of the country are entirely overlooked.

Land Tenure by Asiatics and South African Coloured People in the Transvaal

The recommendations made by the Transvaal Asiatic Land Tenure Act Commission in 1935 in regard to this subject were considered in 1936 by a Select Committee of Parliament, and, as a result, a Bill was presented to Parliament which was practically an agreed measure, and became law as the Transvaal Asiatic Land Tenure Amendment Act of 1936.

The Act provides that

- (1) Asiatics and Coloured may own property in three types of areas in the Transvaal (a) those withdrawn from the operation of the Gold Law prohibitions because they are in predominantly Asiatic and Coloured occupation; (b) Asiatic bazaars set up under the Municipal Ordinance of 1905; (c) areas not subject to Gold Law prohibitions, such as Sophiatown, Johannesburg. In all cases, however, the Minister must obtain the approval of Parliament to Asiatic and Coloured acquiring property in these areas, and, in the case of the bazaars, the consent of the Municipality concerned must first be obtained;
- (2) restrictions in title deeds against Asiatic and Coloured occupation in the exempted areas are cancelled on the exemption of the areas;
- (3) restrictions against the ownership of land by Asiatic companies will be removed in the exempted areas. Land outside these areas may be held by Asiatic companies and European trustees on behalf of Asiatics, provided they were acquired before May 1932.
- (4) Asiatics and Coloured persons established in areas brought under the Gold Law for the first time in 1932 may move from one site to another, with the Minister's consent;
- (5) a register of exempted areas, individual sites exempted under the Gold Law, and persons protected under the Act of 1919 is to be set up to check illegal occupation;
- (6) the Minister has power to insist upon municipalities maintaining efficient municipal services in exempted areas and bazaars.

Thus the Act of 1936 completes the legislative work consequent upon the policy laid down by Parliament in 1932. There now remain the difficulties facing the Minister in securing agreement of municipalities and the European public to the exemption of specific areas. The position on the Witwatersrand has been made more difficult by the recent remarkable industrial and commercial expansion. Whole areas formerly occupied by Coloured and Indians have been taken up for the accommodation of works and other buildings.

ADMINISTRATION OF JUSTICE

Police Commission

A public outcry for an investigation into the conditions in the police force followed notable trials of senior police officers.

In the case of *Rex vs. Opperman*, a detective sergeant was convicted of defeating the ends of justice by falsely securing the conviction of a bottle-store licensee under the liquor laws. Astonishing disclosures made by several witnesses, who alleged corruption amongst senior members of the police in Johannesburg, led to the arrest of the Head of the C. I. D. of the S. A. Railways and of other senior officers on charges of defeating the ends of justice. The trial was followed with the keenest interest throughout the country. It resulted in the conviction of the police officer and an accomplice.

An earlier trial resulted in the conviction of a Major in the railway police and an accomplice for inciting a person arrested for the theft of gold bullion to dispose of the gold to them.

As a result of these disclosures, and in response to the public outcry, the Minister of Justice arranged for the appointment by the Governor-General of a Commission consisting of a Judge of the Supreme Court and two well-known advocates each with considerable experience as an attorney-general. The terms of reference appear to be wide enough to cover not only the many kinds of complaints made against the police in recent years, both in the courts and in the press, but also to permit of investigation of the conditions of service and methods of training in the police force.

Relations of Police and Non-Europeans

In the survey for 1935 typical cases were quoted of (1) assaults by Police on Non-Europeans and (2) assaults by Non-Europeans on Police; references were also made to complaints by Non-Europeans of the use made by the Police of the "pick-up van". Several convictions of policemen for the assaults on Natives were reported during the last year also, and in one instance the sentence was a fine of £100 or twelve months imprisonment. Convictions of policemen for theft from Natives were also reported, the sentence in one case being ten days imprisonment with hard labour in each of seven counts. There were however

several cases reported in which Native or Coloured complainants were held by the Courts to have made false charges against policemen. The view was taken by more than one magistrate that the general outcry against the police had led complainants to make unfounded allegations, especially where they themselves were accused of offences.

The pass and taxation laws are held responsible for much of the unpleasantness between the police and Natives. An incident was mentioned in the leading article of *The Star* of May 6th, 1936, in which a Native going out to call a doctor to his dying wife was arrested for being out after the curfew hour. He spent the night in a cell while his wife breathed her last. A case which attracted general attention came before the magistrate at Durban in September, when a Native welfare official of the Durban Corporation and his wife, both well-known as social workers, were arrested. In discharging the accused the magistrate said: "This is a most unfortunate case. I do not want to suggest to the police department what discretion they should use in these matters, but I certainly do think that with Natives of this calibre, educated and enlightened as they are, discretion should have been exercised and the constable should have refrained from arresting them."

Durban Riot

On April 1st a disturbance broke out among Natives in Durban when twenty Natives attacked Non-European police at a municipal beer hall. Fortunately no lives were lost. The riot led to the appointment of a commissioner to enquire into the causes of it. The commissioner in his report found that the disturbance had been anticipated if not fomented by European elements in the town unfriendly to the Union police force which on that day assumed the duties of the borough police force. While exonerating the police force from charges of brutality on the occasion, the Commissioner said: "It is unlikely that the seed sown by the rumour would have yielded such a crop if there had not been the fertile soil of uneasiness and apprehension in which to plant it. It is improbable that this uneasiness and apprehension have been entirely allayed and that the stories of police brutality and abuse of the pick-up vans are completely discredited, and it is consequently of the greatest importance that, if the South African Police are to gain the confidence of the better elements of the Native

population, the force must use the utmost circumspection in its dealings with them and see that its methods are characterised by scrupulous fairness and a nice consideration of their feelings."

In view of the agitation in the press and elsewhere, the Minister of Justice was approached by the Institute of Race Relations and other bodies to include in the terms of reference of the Police Commission the subject of the relations between the Police and Non-Europeans, and this has been done. Considerable evidence on the subject has already been taken by the Commission, which is endeavouring to follow up every specific allegation of police ill-treatment of Non-Europeans. It would be inadvisable to comment here upon the press reports of the evidence given before the Commission. The hope may however be expressed that, whatever truth may be found in the allegations against the Non-European public, the Commission will be able to suggest ways in which the relations between the police and Non-Europeans can be made such that the Non-European communities can increasingly regard the police as their friends and protectors, and that the police can count upon the moral and practical support of these communities in dealing with wrongdoers. It is pleasant to refer to the cases where the lives of Non-Europeans have been saved by policemen. Constable Thomas Zanie saved a Non-European woman and child from drowning at the Hoonap River. Sergeant Vlok saved the lives of two Native prisoners when a pick-up van caught fire. Sergeant Loots saved two Natives trapped in a blazing car.

Treatment of Prisoners

Numerous protests in the press against the practice of the police of driving handcuffed gangs of Native accused and convicted offenders through the streets between the gaol and the courts led the Johannesburg Municipal Native Affairs Administration to urge the use of vans for this purpose. This is now being done. It had long been a complaint of Natives that the practice was not only unnecessarily humiliating to those who found themselves in the gangs — often for comparatively trivial offences — but that it also derogated from their respect for the forces of law and order.

A strong attack on the condition of the prisons of the Union was made by the Hon. Mr. Justice Krause in an address to the National Conference on Social Work held in Johannesburg in October. After paying a well deserved tribute to the Director of Prisons (Colonel Beyers) for his efforts at prison reform,

Judge Krause said that it could not be too strongly emphasised that the general rule in dealing with the law-breaker is to send him to prison. He advocated (1) the examination of delinquents by alienists; (2) that prisons should be altered constructionally to permit of redemptive work; (3) separation of the mentally defective and sexually degenerate from other prisoners; (4) compulsory segregation in work-colonies of the "won't works"; (5) establishment of special institutions for the habitual criminals. Judge Krause drew special attention to the part played by the pass system and other special laws relating to Natives in sending large numbers of Natives to prison. "The sooner the pass laws are scrapped, the better it will be for the community and the fewer Natives will crowd our prisons".

Sentences on Natives

Complaints continue to be made of inequality in the sentences imposed upon Natives in the Court. As indicated last year, the complaints are mainly (1) that no consideration is given to the capacity of an accused to pay where a fine is imposed; (2) that the sentences are out of proportion to those imposed on Europeans.

Legal Aid

It is regretted that the scheme of legal aid for the indigent, more particularly Natives, referred to in last year's survey has not so far been set in motion in the Johannesburg magistrates' courts. There are grounds for hoping that the remaining difficulties will soon be resolved and that, early in 1937, the scheme will be in operation. As approved by the Minister of Justice, the scheme is as follows: —

1. The Transvaal Incorporated Law Society and the Johannesburg Society of Advocates will form panels of Attorneys and Advocates who will be prepared to give their services and will appoint someone to act as Secretary of the combined panels.
2. The Senior Public Prosecutor and his staff to select from the day's roll of undefended cases those cases (if any) that they consider call for defence arrangements.

N. B. If, during the course of the trial of any undefended person, the presiding judicial officer considers that the case should be defended, he should stop the trial and request the Senior Prosecutor to make the necessary arrangements in accordance with the general scheme.

3. The Senior Public Prosecutor to arrange for the Secretary of the Panels to be notified of cases for defence and for the accused to be informed of the facilities available to him.

4. The Secretary of the Panels to arrange for the defending Counsel and/or Attorney to be detailed for the service and to get into touch with the accused."

As a result of the discussions, the Department of Justice has directed magistrates on the Witwatersrand area that undefended persons committed for trial should, after committal at the preparatory examination, be informed of the facilities available to them in the Witwatersrand Local Division of the Supreme Court for their defence, should they not already have made arrangements. The facilities are as follows:—

"Accused persons on informing the Crown Prosecutor's Office, in the course of the preliminary interview, that no arrangements have been made for their defence are all advised of the facilities for Dock Defences.

"If they desire to avail themselves of the facilities, they can do so upon payment to the Registrar of the Court of a small fee—£3.3.0. being the minimum required.

"Upon proof of payment, Counsel is appointed through the Bar Council on advice from the Crown Prosecutor's Office.

"Upon completion of the case Counsel collects his fee from the Registrar.

"In these cases, as in Pro Deo Defences, which is a different system, Counsel is appointed by the Secretary to the Bar Council strictly in rotation, but it is open to any member of the Bar to refuse a Dock Defence.

"The system of Dock Defences does not appear to be very well known and it has accordingly been agreed that Magistrates committing accused persons for trial before the Witwatersrand Local Division shall inform them of the system in vogue.

"It is of course to be clearly understood that the system is only meant to apply to those persons who are unable to pay any more than the nominal fee demanded by the Bar Council, and Magistrates should advise persons of this fact."

Assaults

It was reported in the press (26/9/36) that the Minister of Justice had addressed a circular to all public prosecutors in which he had stated that he had considered the question of the prosecution of Europeans for assaults on Natives and had arrived at the opinion that the disposal of such cases by way of the admission of guilt is undesirable. Consequently, instructions were given that, in all such cases, the accused should be brought to trial in the ordinary way.

While there were many cases reported of assaults by Europeans on Natives and by Natives on Europeans—and several were fatal, they did not present in themselves unusual racial features. Throughout the country Europeans use fire-arms freely and these frequently figure in cases of assaults upon Natives. In at least one case, in which a Native was alleged to have murdered a European, the farmers formed a commando to seek out the culprit. Fortunately, the forces of law and order in South Africa have so far proved adequate to prevent such instances developing into racial conflicts.

Juvenile Delinquency

The Committee appointed to investigate the growing problem of juvenile delinquency, mentioned in last year's survey, has not yet reported. Meanwhile, efforts have been made to deal with the large numbers of delinquent Native children to be found in Durban and Johannesburg. In Durban and Pietermaritzburg three methods are being tried: (1) An experiment in the commitment of Native juvenile offenders to selected Native chiefs, headmen and kraal heads has not so far proved successful; (2) Adoption by Natives which has also not been successful; (3) transfer of delinquents to the care of institutions already established certified under the Children's Protection Act for this purpose; (4) establishment of a probation hostel. In Durban and Johannesburg probation hostels have been established for Native juvenile offenders, and the Warden and Board of the Diepkloof Reformatory are trying out experiments in the training and placement in suitable homes of the juvenile inmates of that institution. A similar hostel for Indians is to be established near Durban.

It is expected that during the coming session of Parliament legislation on this subject will be introduced to assist preventive and remedial efforts.

Natives and Statutory Offences

The extent to which statutory offences are responsible for the conviction of Natives in the courts is hardly realised by the public. The statistics given below, and kindly supplied by the Director of Census and Statistics, need little explanation. The figures for 1936 are not available so early in the year, so that the latest figures are those for 1935:—

	Predominant Offences Committed by Natives	
	1930	1935
Native Taxation Act	49772	68727
Possession of Native Liquor	35777	63038
Urban Areas Act	20877	32620
Municipal Regulations	25912	37860
Pass Laws	42262	41645

ECONOMIC CONDITIONS

Employment

The employment position showed improvement during the year, as the following monthly indexes of employment in Industry show. They are calculated on the base July 1935 = 1000.

Month	European		Non-European	
	1935	1936	1935	1936
January		1015		1067
April		1053		1112
July	1000	1056	1000	1112
October	1018	1069	1042	1132
November	1026	1070	1056	1136

In the Mining Industry the following figures (according to the monthly bulletin of the Department of Mines) show the expansion in employment in the Industry:—

Month	Year	European	Non-European
December	1935	43,176	367,894
November	1936	46,029	387,363

(N. B. The above statistics were kindly supplied by the Department of Census and Statistics).

Detailed statistics regarding other industries are not available.

It is interesting to note that in the Gold Mining Industry the opening up of further opportunities

	1930	1935
Native Labour Regulations	23293	20583
Drunkennes	15995	19203
Master and Servant Laws	15861	14404
Theft—Common (under £50)	13388	16415
Assault—Common	18166	17314
Trespass		11255
Location (Reserves) Rules and Regulations		13567

In 1935 the total of serious crime was 18,055, while other offences totalled 447,257.

The extent—about 88%—to which statutory and revenue offences are responsible for the large total of 465,312 Native convictions is a matter which should receive careful consideration.

for Europeans and Non-Europeans are in about the same ratio, so that their inter-dependence is well demonstrated. The following figures kindly supplied by the Transvaal Chamber of Mines show how the expansion in employment in the coal and gold mines of the Transvaal has affected the different classes of Non-Europeans:—

	1935		1936	
Natives:—				
Union	158,268	173,599	+	15,331
Protectorates	49,435	55,191	+	5,756
East Coast	70,733	76,115	+	5,382
Tropical Areas	1,245	1,621	+	376
Coloured	1,115	1,149	+	25
Indians	171	168	+	3

It should be noted that the figures relating to Native labour do not show the number of individual Natives who worked on the mines. The President of the Chamber of Mines was reported in October as saying that the number of Native labour engagements from all sources during the previous twelve months was 276,271.

Late in the year it was announced that, as a result of an inter-change of Notes between the Union and Portuguese Governments, and as a temporary measure, the maximum number of Natives which may be recruited from Mozambique has been raised from 80,000 to 90,000.

It was also reported that further facilities are to be provided for the recruitment of Natives from north of latitude 22 south. Meanwhile the forcible repatriation of Natives from the Rhodesias and Nyasaland has been suspended.

It is hoped, so it is stated in the press, to relieve the famine of Native farm labour, both by direct recruitment of extra-Union Natives for the farms and by the expulsion of unemployed Natives from the towns.

There are so far no indications that shortage of labour has had any appreciable influence upon Native wage rates. Towards the end of the year the Middelburg Town Council decided to increase the wages of Native employees because of the shortage of labour. This is the only instance noted.

Certain areas of the Union are closed to recruitment for the Mines, but efforts made by the Kokstad Municipality, Chamber of Commerce and Joint Council of Europeans and Natives to persuade the Government to open East Griqualand to recruitment for the mines was successfully opposed by the Farmers' Associations of the area.

On the other hand, a committee appointed by the Governor of Nyasaland reported in April urging that the emigration of males from Nyasaland is having deplorable results.

An important discussion on the conditions of the recruitment of Native labour took place in the International Labour Conference at Geneva in June when a Convention was adopted. This was strongly opposed by the Union Government and employer delegates because it provided, among others, for the payment by the recruiter or the employer of all expenses incurred by the worker in travelling to the place of employment. The proviso was strongly supported by worker delegates. It is unlikely that it will be ratified by the Union. An account of the Convention and of the discussion on it was published in *Race Relations*, November 1936.

Employment Policy

In announcing a new road policy for the Transvaal, the Administrator informed the Provincial Council in April that a permanent force of skilled and semi-skilled Europeans would be employed on the extensive road works about to be inaugurated. They would be accommodated in suitable houses on pro-

vincial property, their rates of pay would be increased and unskilled work would be allotted to Natives, but no indication was given of the wages to be paid.

In June the Johannesburg City Council approved of a motion that its European labourers be trained for semi-skilled and skilled work.

As indicated earlier, there has been considerable expansion both in European and Non-European employment, and it is not possible at this date to ascertain to what extent European labour has been substituted for Non-European. In the Railways and Harbours Administration this policy was pursued, Indian and Native employees of long standing being replaced by Europeans. In response to an appeal *ad misericordiam*, the Minister agreed to retain these Non-European workers in the service of the Administration at the same wages — but on other work. Speaking in Parliament on 19/3/36, the Minister said "We do not take on any Non-European labour except in very exceptional circumstances. I do not think we took on a dozen during the year, except casuals. . . Except for a few casuals, the White labourers usually get on the permanent or temporary staff. Usually they are permanent. . . Non-European labourers are however taken on the basis of casual labourers."

In a letter to the United Party Congress held at Pretoria in March 1936, the Secretary for Labour wrote: "The Government does not propose to introduce legislation designed to prevent the employment of any particular race in specified occupations." He pointed out that the Industrial Legislation Commission had reported against measures designed to the wholesale displacement of Natives by Europeans, and went on to say that "the department feels that direct legislation based on racial distinctions is impracticable. It proposes to pursue the policy, which has already had some success, of including in wage-regulating measures provisions which will ensure the employment in industry of a reasonable proportion of civilised labour." Amendments to the existing legislation are to come before Parliament in 1937 to facilitate this method.

The President of the Durban Chamber of Commerce in April expressed disagreement with a policy which aims at the exclusion of Natives from employment or which uses wage regulation measures for the purpose of substituting European labour for Non-European.

A resolution was adopted by the Orange Free State United Party Congress in October urging the

prohibition of Natives from driving motor cars belonging to Europeans. The resolution received particular attention in the press because the Prime Minister spoke in support on the ground that he considered Natives "lacked the necessary instinctive ability." A statement issued by the Johannesburg Joint Council of Europeans and Africans thereafter quoted a report of the Safety First Association, which held that "European male drivers are responsible for a much larger percentage of street accidents than is commonly supposed. . ." and that "Non-Europeans do not figure so frequently in the accident records as is generally believed, and, for the period over which it was possible to make a careful analysis (i. e. nine months) it will be observed that the Non-Europeans show, on the aggregate, a much higher standard of careful driving than do Europeans". The Prime Minister has since stated that he does not propose to pursue the matter further.

The frequency with which this subject recurs in public discussions suggests that it deserves fuller investigation on scientific lines.

Wages

A number of organisations interested in Native welfare passed resolutions in favour of improvements in the wages of Natives and other unskilled workers. The Department of Labour intimated that the Wage Board would in 1937 institute enquiries into wages in unskilled occupations in certain towns. As indicated earlier, the Government policy is to press for such minimum rates as will encourage the greater employment of "civilised labour".

Famine Relief

Early in the year famine conditions were reported from Native areas in the Northern Transvaal, Zululand, Natal and the Transkei. There were widespread complaints that, owing to existing legislation, farmers were able to obtain mealies for their cattle at 8/6 a bag, while Natives were starving because mealies could not be sold to them below the regulated price. In some instances 22/6 a bag was quoted. The Native Administration reported that it was actively engaged in relief measures. It supplied maize to Natives at the rate of 10/- free on rail, and arranged with the Railways for a special railage charge of 6d. per bag instead of the regular charge of 2/-. The local trader was permitted to put on an extra 1/- as his own charge for supplying. In addition public works were put into operation in Native areas, on which employment was offered to unemployed Natives. The Administration

complained that in some areas Natives refused to cultivate land or to work on relief works because they had heard that the Government was supplying mealies free. Farmers' Associations passed resolutions protesting against the measures taken. In at least one instance the Association complained that Natives wouldn't work because Government rations were supplied, whereas in fact no relief had been given.

The new harvest and increased employment relieved the situation; but the discussions in Parliament and outside emphasised the fact that agrarian conditions in Native areas differ so greatly at any one time that confusion often results from attempts to generalise from specific situations. During the year an illuminating example of differing conditions was found in the Transvaal, where in one Native area the crop was so plentiful that the people refused to harvest the whole crop, while the Natives of a nearby area trekked there to sell clay pots in exchange for grain to feed their starving families.

A laudable effort was made by the Zoutpansberg Joint Council of Europeans and Natives, by means of printed and oral propaganda, to encourage the Native people of that area to conserve their grain.

Native Taxation

The figures given earlier of Native convictions show that the convictions under the Native Taxation Act have increased in recent years. In 1935, the total was 68,727, showing a decrease of 864. It is possible that the total for 1936 will be even less. Some of the earlier increase can be attributed to much greater success in tracing tax defaulters, while the recent decrease may be due to more employment. The number of convictions is still appallingly high.

Throughout the press of the country numerous letters from Europeans appeared during the year appealing for a reduction of the Native General Tax, and during the Albany parliamentary election many questions were asked on the subject. The agitation has led to the presentation of a petition to Parliament signed by over 20,000 Europeans over twenty-one years of age asking for either the abolition of the General Tax or the devising of a more equitable basis.

At present Native services such as education and agricultural development are dependent upon the proceeds of Native taxation, and this fact must of course be borne in mind when the petition is considered. Opinion is also divided as to the extent to which Natives

should be taxed and the basis of that taxation. Several suggestions have been made and these will be found in a carefully prepared statement on the subject which appeared in the Institute's journal *Race Relations* for May and August 1936. It is hoped that the Govern-

RACE RELATIONS

Anti-Semitism

Propaganda against the Jews in South Africa was carried on by the organisation known as the "Grey Shirts". Numerous meetings were held in various parts of the country and literature distributed. At a few centres there were clashes in the streets and at meetings between "Grey Shirts" and Jewish young men. In several centres "Grey Shirts" candidates were put forward at municipal elections and at provincial elections, but without much success. The discussion in Parliament on the Aliens Bill during the coming session will no doubt reflect the increased attention given to this subject by the public. Efforts have been made from time to time to persuade the Government to introduce special legislation to deal with the Movement; but the Minister of Justice holds that the existing powers of the Government are adequate. General Smuts, speaking at Rodeobank, near Standerton, on December 1st, appealed to Afrikaners for toleration and condemned "this war on the Jews". Dr. Malan at Riversdale on November 21st is reported as saying that he intended to introduce a bill into Parliament to provide "that only persons who could assimilate with other people" should be admitted into the Union. He is said to have declared that "Jews never assimilate with any other race."

Meetings to protest against the influx of immigrants from Germany, more particularly the Jewish immigrants, were held, and a great many letters appeared in the Press on the subject, which is dealt with further in the Aliens Bill.

South-West Africa

The Commission appointed by the Governor-General in 1935 to report on the existing form of government in the Mandated Territory of South West Africa reported in June 1936. The report reviews the system under which the Territory is governed and also the causes of dissatisfaction and disension, and contains joint and independent recommendations by the three commissioners.

ment will cause a fresh enquiry to be made into the effects of the present system of Native taxation upon Native life and into the most equitable method under which Natives can contribute their fair share to the national exchequer.

The main causes of conflict between the European sections of the population are held to be (a) the demand for the recognition of German, with English and Afrikaans, as an official language; (b) the increase from two years to five of the period of naturalisation; (c) dual nationality claimed by the German section, more especially in view of automatic naturalisation under the existing law; (d) the Union's land settlement policy, which is held by the German section to be designed to swamp it; (e) the activities of Nazi movements in the Territory.

Considerable dissatisfaction among all sections with the financial and other aspects of administration is found to exist, and important recommendations are made.

Each of the three commissioners makes his own recommendation regarding the form of government. Mr. Justice van Zyl proposes complete absorption in the Union's political structure. Mr. Justice van den Heever recommends that the provisions of section 151 of the South Africa Act and the Schedule to the Act be applied to the Territory, which would thus be administered by the Prime Minister of the Union, with the advice of a commission appointed by the Governor-General, legislation being by proclamation, subject to ratification by the Union Parliament. Dr. Holloway agrees with Judge van Zyl that the proper functioning of representative institutions should be the aim, but does not agree that the Territory should be administered as a fifth province of the Union, as some of the present provincial functions could not, under existing conditions, be peaceably and effectively carried out in the Territory. He recommends that the Territory be for the present administered by the Administrator with the advice of a nominated advisory council and under the control of the Union Government, but that Native Affairs, Land Settlement, Education, Mining, Justice and the Police be dealt with by the Union Government. An announcement in the Press states that the Government does not propose to alter the administrative system of the

Territory; but no doubt there will be full discussion in this session of Parliament on the whole situation in South West Africa.

The position of the Non-European population receives consideration and the more important recommendations are:—

- (1) That more active steps be taken for the development of the Non-European races in the direction enjoined by Article 22 of the Covenant of the League of Nations; and that the Union Government as mandatory make financial appropriations for this purpose;
- (2) that reserves for Bushmen be demarcated;
- (3) that the system of indirect rule in Ovamboland be continued and developed.

In view of the responsibilities devolving upon the Union as a mandatory, the recommendations of the Commission deserve more active interest on the part of Union citizens than has been manifested so far.

Mixed Marriages and Social Intercourse

Major F. J. Roberts introduced into Parliament in 1936 a Bill intended to prohibit marriages between Europeans and Non-Europeans, but it was rejected. It gave rise to considerable discussion both in and out of Parliament. The Minister of the Interior (the Hon. Jan H. Hofmeyr) declared that the Government was not prepared to consider legislation for the general prohibition of marriages between Europeans and Non-Europeans and would not accept the measure. He based his objection largely upon the "difficulty of drawing a dividing line between European and Coloured".

In this connection it is interesting to note that, in 1934 there were seventy-two marriages legally contracted between Europeans and Non-Europeans, of whom five were Asiatics and seven Natives, the remaining sixty being "other Non-Europeans".

SOCIAL WELFARE

Native Education

The most outstanding event of the year in Native Education was the publication of the report of a committee appointed by the Minister of Education to enquire into the state of Native Education in the four provinces. The report is a comprehensive study of

The Executive of the Transvaal United Party decided in December 1936 to ask the Government to introduce legislation to prohibit marriages between Europeans and Indians. And at a meeting of the United Party Congress of the Cape held at Worcester at the end of November it was announced that the Minister of Health (the Hon. R. Stuttaford) was prepared to consider the appointment of a commission to investigate the causes of miscegenation.

Mr. J. H. Grobler, M. P., introduced a motion into Parliament in May calling for a Select Committee to be appointed to investigate allegations that Asiatics in the Transvaal are marrying European women to evade the land tenure laws, and the extent to which European girls are employed by Asiatics with a view to its prohibition. The motion was rejected.

It is noteworthy that the Indian journals in South Africa consistently advocate racial purity and deprecate mixed marriages.

An interesting pamphlet on this subject by Advocate G. Findlay was published earlier in the year, in which the incidence and factors of racial mixture in the Union are examined.

Political Combination

An important development in the political field was the decision of the United Party in the Cape Province in December 1936 to form a separate organisation for its Non-European supporters and in future no Coloured person will be admitted to the European section of the party, nor will Europeans be allowed to join the Non-European section. The Non-European section will have its own machinery on the same lines as that of the European section. Apparently "Non-European" in this connection does not include Natives. In arriving at its decision on a vexed question, the Congress, in a preamble to the resolution, cited the example provided by the Dutch Reformed Church in setting up a mission church with separate congregations, church councils and synod for Non-Europeans.

the subject. The main recommendations have found almost unanimous support from those concerned with Native Education, and they involve the transfer of Native Education to the control of the Union Department of Education and the financing of Native Education on a per capita basis from the Union exchequer.

The services rendered by an African to the educational and other welfare of his people have been recognised by the decision of the University of South Africa to confer an honorary doctor's degree upon the Reverend J. L. Dube, Principal and Founder of Ohlange Institute, Natal. Another African, Mr. Z. K. Matthews of the South African Native College, Fort Hare, has been appointed by the Imperial Government to serve as a member of a Royal Commission on the development of Higher Education in the East African territories. During the year, too, the South African Native College celebrated the twenty-first year of its history.

Social Work

A national conference on social work held in Johannesburg in September-October was very largely attended by social workers of all races, but predominantly European. The discussions covered practically all forms of social work carried on in the Union, and revealed the remarkable extent to which the Non-European communities have benefited from the development of social welfare activities. A striking plea by General Smuts on behalf of the Non-European peoples found a ready response in the discussions at the Conference.

It is impossible in this review to deal in detail with the social welfare aspects of race relations. It is only possible to say that the attention which has, during the past few years, been given to the housing of the poor, the combating of tuberculosis and other prevalent diseases, and the development of governmental and municipal health services and other forms of social service was more than maintained during the year.

The Youth movements — the Boy Scouts and Girl Guides — extended their interest in the welfare of Non-European boys and girls by the setting up of special forms of organisation to allow for their admission into these movements.

Bantu Welfare Trust

At the close of the year it was announced in the Press that a Johannesburg financier had established a fund to be called "The Bantu Welfare Trust" with an endowment of £50,000 for the general welfare of

the Native population of the Union and the Protectorates. The Donor expressed the hope that others will add to the endowment.

Census

The Census of 1936 for the first time since 1921 included the Non-European population. The total Union population is recorded as 9,588,665 made up as follows:—

Europeans	2,003,512
Natives	6,597,241
Asiatics	219,928
Coloured	767,984
	9,588,665

According to the Census results, the increases in the population since 1921 are:—

Europeans	31.85%	or	2.123%	average annual increase
Natives	40.43%	"	2.695%	" " "
Asiatics	32.7%	"	2.18%	" " "
Coloured	40.77%	"	2.77%	" " "
Total	38.36%	"	2.4%	" " "

The annual average rates of increase according to the Census of 1921 were:—

Europeans	1.76
Bantu	1.57
Asiatic	.86
Mixed & Other	.37
Total	1.49

It would thus appear that there has been an acceleration in the rates of increase in each section of the population.

These figures however need to be accepted with considerable reserve. Despite the efforts of the Department of Census and Statistics to overcome the difficulties faced in the enumeration of the Native population, it is more than likely that the figures of 1936 are not accurate, while those of 1921 were certainly far less so. Considerable investigation needs to be undertaken in regard to our population statistics and scientifically conducted local sample investigations would prove most valuable in checking the figures.

POLICY

The Union

The Union Minister of Native Affairs (the Hon. P. G. W. Grobler) in a graduation address at the University of Pretoria in December 1936 is reported to have said: "There can be no middle course in Native policy. You must either have equality and assimilation on the one hand, or on the other the golden rule of Calvinism and the old Republics — no equality in Church or State." He appealed to the University to show in no uncertain manner that it supports a "determined policy that agrees with the traditions of our nation from the days of the Voortrekkers".

"The two practical aspects of the Native question were the rights of citizenship of the Native in the political structure of the Union and the territorial divisions granted to the Natives in the legislation passed by Parliament at the beginning of the year. The people of South Africa honoured the principle that the Natives were a separate national unity, and that the Natives possessed their own national values which they alone could live up to, as they were rooted in the best of their past and emanating from the traditions and national characteristics of their own nation."

"The principle of the separate development of the Native had necessarily led to political and territorial segregation, while the idea that supported assimilation had been directed, and still was, towards the assimilation of the Native in the social structure of the White man — an attitude which necessarily meant the denationalisation and dislocation of the whole social structure of both the White and the Native nations of South Africa."

"The people of South Africa had shown by the legislation passed this year in Parliament that they did not want to be guilty of denationalisation and un-settlement. Both the Native Representation Act and the Native Land and Trust Act stood as milestones in the history of the people of South Africa, as proof of the fact that they still honoured the principle of separate development."

"With the acceptance of this legislation South Africa had confirmed the principle of political and territorial segregation."

His colleague, the Minister of Education, Interior and Health (the Hon. Jan H. Hofmeyr) addressing the

Bantu Studies Society of the University of the Witwatersrand, Johannesburg, in August rejected both "identity and repression as lines of approach to the Native problem" and chose instead "the category of difference, starting out with the necessity for a frank acceptance by both sides of existing differences as facts".

He suggested two ways in which progress could be attained. The first is distinctive Native development in the Native reserves as a means of constructive segregation in so far as the nature and extent of the available land permits. The second is the recognition of the detribalised urban Natives as a permanent factor who must be accepted as co-workers in the building up of South Africa's economic life and whose conditions of life must be advanced.

As regards the first — constructive segregation — land is the test. The new Native Trust and Land Act will go a long way to satisfy the test, but let no one think it is going to satisfy the minimum condition precedent to the solution of the Native problem by a policy of segregation which would logically merit that name. For such a policy the White man has given no indication of preparedness to pay the price. . . It is possible and likely that it is now too late to pay. The policy of constructive segregation may have been a practicable one for the last generation. In our own we can only apply it in bits and fragments: the chance of using it as a solution of the problem is lost.

As regards the urban situation, their development and advance would be no less necessary than those of the tribal Natives, and it would be necessary to envisage their training in methods of greater efficiency — and, inevitably, the payment of higher wages.

Mr. Hofmeyr held that "there is no clear-cut approach to the Native problem, leading to a definite and determinable solution. And that being so, we must be content with a partial vision of the goal, following in faith and patience such gleams of light as are at present vouchsafed to us, hoping that fuller enlightenment will in time reward our faith." . . .

These two statements probably set out the two main streams of opinion in Native policy in the Union today.

As regards the relation of the Coloured and Indian peoples to the State as a whole and to the

European population, very much the same sort of division of opinion exists.

South-West Africa

The claim made by Germany to colonial territory has resulted in a great deal of discussion on the question whether or not one or more of the mandated territories in Africa should be returned to Germany. The British Government has stated that it has not and is not considering the transfer to Germany of any of her mandated territories. The Prime Minister of Southern Rhodesia has declared that the transfer of Tanganyika would be a menace to Southern Rhodesia and Portuguese East Africa. A declaration by the Union Minister of Railways, Harbours and Defence (the Hon. Oswald Pirrow) is in favour of territory in Africa being ceded to Germany, but adds that the return of South West-Africa and of Tanganyika no longer seems feasible.

Meanwhile, the Union Government has encountered difficulties in the administration of the Mandated Territory through the strife between the German section and the remainder of the White population, but the Union Government has declined to administer the territory as a fifth province of the Union. The Commission appointed to consider the situation drew special attention to the position of the Non-European population and called for active measures on their behalf.

Protectorates

The position in regard to the proposed incorporation of the Protectorates in the Union has undergone no visible change, except that the offer of the Union Government to contribute £35,000 towards the cost of soil conservation and other development measures in the territories had to be withdrawn because of the strong opposition expressed by the Chiefs who thus showed that Native opinion in the Protectorates is far from ready to entertain the idea of incorporation.

On the other hand, General Hertzog announced in June that negotiations with the British Government had proceeded to the point that the expected transfer would be effected within the next five or six years.

The judgment in the case of Tschekedi Khama and Bathoen Gascisiwe vs. the High Commissioner was delivered by Mr. Justice Watermeyer at Gaborone on November 28th. The judgment held that the case of the Chiefs to upset two proclamations issued by the

High Commissioner for the governing of their peoples had failed and it was dismissed. The judgment gives effect to the official view "that the Crown has unlimited powers to do just as it likes in Bechuanaland in respect of internal affairs; and that none of the 'treaties' and other agreements between the Crown and the chiefs are to be taken as in any way limiting those powers".

It is thought that, the legal aspects of this dispute having been disposed of, there are grounds for hoping that the Administration and the Chiefs can unite in the working out of an agreed method of co-operation between the Administration, chiefs and people.

Southern Rhodesia

In many directions the relations between Europeans and Bantu in Southern Rhodesia are governed by the same social and economic factors as they are in the Union, and it is therefore not surprising to find that legislation and administration in Southern Rhodesia are similar in most respects to those in the Union. The legislative measures mentioned in a separate review in this issue bear strong resemblance to Union legislation on the same subjects. Fortunately, the land question is not at the moment as acute in Southern Rhodesia as in the Union, and the Native Administration is taking time by the forelock for the development of Native areas.

An address by the Governor (Sir Herbert Stanley) delivered in London towards the end of the year indicated that Southern Rhodesia also favours the Union's experiments in regard to Native local government and the separate representation of Natives in Parliament.

Northern Rhodesia and Nyasaland

In these territories the two main considerations at the present time are (1) the development of Native authority, and (2) the development of internal economic resources, more particularly to enable the territories to retain their Native male population, a considerable proportion of which migrates to Southern Rhodesia and the Union, in many cases never to return. A draft agreement between Nyasaland and the two Rhodesias on this subject is at present under discussion.

It is becoming increasingly clear that, economically at any rate, Nyasaland, the Rhodesias, the Protectorates and the Union are economically interdependent and economic policy at least in these territories might be co-ordinated with mutual advantage.

NATIVE AFFAIRS IN SOUTHERN RHODESIA DURING 1936

By

B. GRIMSTON

New Developments

The year 1936 witnessed a number of important developments in Native Affairs in Southern Rhodesia. Among the more outstanding were:—

1. The passing of the Natives Registration Bill.
2. The starting of the first 'Village Settlement' for urban Natives, at Luveve eight miles from Bulawayo.
3. The launching under the auspices of the Department of Public Health of a far-reaching scheme for supplying medical facilities to Natives in rural areas.
4. The opening by the Native Affairs Department

of channels for the marketing of Native produce.

5. The framing of a new Government Notice regulating the payment of grants to mission stations.
6. The inaugurating at Domboshawa of an experimental course for the training of chiefs.
7. The registering of the Roman Catholic Mission at Driefontein as a home for Native delinquent juveniles — the first such home in Southern Rhodesia.

In the subsequent pages of this survey these and other subjects are dealt with in greater detail.

LEGISLATION

I. LEGISLATION DIRECTLY AFFECTING NATIVES

The most important bill introduced into Parliament during 1936 was the

Natives Registration Bill

This measure was sponsored by the Minister of Native Affairs. It is described (Hansard) as "a further step in Government's policy of segregation of population and trade."

The Bill provides for the appointment in every municipality, town or village, of a Registrar of Natives and a Town Pass Officer. Every Native shall immediately on entering such a township apply to the Pass Officer for a town pass to seek work or for a visiting pass (unless he already possesses a written permit from a bona fide employer). Such passes to seek work shall be valid for not less than three, or more than seven, days and renewable for a further seven; for visiting passes there is no maximum period of validity laid down.

In cases of urgency, at times when the Pass Officer is off duty, passes valid for 24 hours may be issued by a magistrate, Justice of the Peace or European member of the British South Africa Police.

The Pass Officer shall have the right to refuse to issue a pass if

- a. the applicant has, either on two or more previous occasions, or within three months previous to the present application, been issued with a pass to seek work and has failed to find any;
- b. the applicant is of loose, vagrant, or immoral character, and has no lawful purpose to perform in the township;
- c. the applicant is a minor according to Native law and is seeking to enter the township for the purpose of evading parental authority.

There is right of appeal to the Chief Native Commissioner against such refusal.

The duty of the Registrar of Natives is to register all contracts of service made with Natives within the township, except any contract not exceeding 3 days