

RACE RELATIONS

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GRATIS AAN LEDE

Kultuur en Politiek

In 'n land, sons byvoorbeeld Engeland of Frankryk, waar volksvermenging iets van die vère verlede is; en versmelting van die verskillende volke 'n afgeslote episode is, daar is die kultuur die gesamentlike besit van die hele beskaafde volk en daar is hoogenamde geen verband tussen kultuur en politiek nie. Hier in Suid Afrika is die toestand heeltemal anders: die politieke indeling is in groepe wat ook byna uitsluitelik kultuurgroepe is en die politiek skep sy krag en sy inspirasie uit die kultuur.

Die teenkating van die drie groepe is skerp; en die verskeie lewensbeskouinge van die Engelse, die Afrikaanse en die Afrikaans-sprekende partye word geüt en beoordeel met 'n mate van gevoel wat 'n mens kan verwag, en billik, as die openlike uitdrukking van die geboortepyne van 'n nuwe volk.

'n Breë uitsig oor die toestand gee die toeskouer tekens dat die stille kragte van die natuur, die instelling van 'n ewewigstoestand tussen die behoudende en die onvormende tendense wel besig is; huwelike tussen die twee groot groepe neem sterk toe; maatskaplike verkeer is meer en meer gebaseer op gelyk-

heid van belange in plaas van dat dit langs taal medium geskied. Stemme word al gehoor wat pleit vir 'n nouere verbroedering tussen die kerke. 'n rigting wat sy uiting gevind het in die besondere sterk ontwikkeling van die Oxford Groep in Suid Afrika; op politiek gebied is dit vervesenlik in 'n sterk party wat doodseker gaan groei, hoewel dit tydelike mislukkinge en teenspoed kan verwag; selfs op kulturele gebied het die volk-wording 'n brandpunt gevorm so dat in die toekomstige groei kan plaasvind rondom positiewe ideale.

Hierdie verskynsels, nie dat hulle sonder uitsondering ons volslae goedkeuring verdien nie, maar wel as uitginge van bewuste of onbewuste aspirasies na volkseenheid, vul ons met hoop vir die toekoms.

Mits hierdie toekoms nie so vertraag word deur die konserwatiewe elemente dat 'n geleentheid, waarin die moontlikhede van voortbestaan of vergaan geleë is, ons nie nog in die wordings-proses vind nie; ons nie vind in 'n toestand waar 'n kragtige gesamentlike optrede onmoontlik sal wees nie, kan ons verwag dat Suid Afrika gaan word die tuiste van 'n kragtige, gesonde volk, ontstaan uit na-ervante Europese elemente, wat nog 'n groot rol gaan speel in die beskawing van Afrika.

RACE RELATIONS IN 1937*

A South African Survey

(Third Year)

Senator the Hon. J. D. RHEINALLT JONES

Legislation

The Aliens Act

The year opened with heated controversy in the press and on the public platform over the anti-Semitic agitation (described in last year's survey), as a result of which the Government had declared its intention to legislate on immigration and the Leader of the Nationalist Party, Dr. Malan, had also intimated his intention to bring in a bill to restrict the immigration of Aliens, more specifically those of the Jewish Race. Early in the parliamentary session the Government introduced the Aliens Bill to replace the Quota Act of 1930 and to provide for the examination by a selection board of all immigrants other than those of British origin.

Before the bill was introduced, notice only having been given, Dr. Malan, moved a vote of censure on the Government for not having taken "early and adequate steps", amongst other things, to prevent the further influx of Jews. The motion initiated a lengthy and acrimonious debate, during which there were frequent references to the supposed disinclination of the Jewish people to become assimilated to the national culture.

General Smuts, in dealing with the Bill, denied emphatically that it aimed directly at the Jews and gave as the main reasons for the Bill, (1) the excessive influx of Jews, which was also objected to by South African Jewry, and the increasing bitterness against them, (2) the danger of an influx of undesirable elements owing to the uncertain state of Europe. He declared that the board would take account of good character, the likelihood of the immigrant becoming "assimilated", and the unlikelihood of his entry affecting adversely employment in any occupation.

Mixed Marriages Bill

This bill, introduced by a private member, renewed an effort made in the previous year to prohibit marriage between Europeans, Asiatics and Natives, the bill providing that such marriages contracted outside the Union of persons domiciled in the Union would be invalid and void in the Union. The term Asiatic in the bill excluded persons (and their families) representing foreign states. Native bore the definition given in the Representation of Natives Act.

The mover (General Pienaar, a member of the Government Party) said that the object of the Bill was to protect the various races in the Union from miscegenation, to bring the marriage laws into conformity with the segregation policy of the Union and to remove the anomaly between the marriage laws and the Immorality Act (which prohibits illicit sexual intercourse between Europeans and Natives.)

The Acting Minister of the Interior (The Hon. J. H. Hofmeyr) opposed. While, he said, he and almost everyone in Parliament condemned mixed marriages, he did not think legislation would be practicable between European and Coloured, and to exclude Coloured would not prevent racial mixture. He preferred to rely on a sound, healthy and rightly inspired public opinion. The indications were that inter-marriage was decreasing as the following figures indicated:—

1925—1930 : 500 marriages (E. and C) i.e. 83 p.a.
1931—1935 : 351 " (E. and C) i.e. 70 p.a.
1925—1935 : 41 " (E. and A) i.e. 4 p.a.
1935 : 19 " (E. and N) i.e. 19 p.a.
1936 : 20 " (E. and N) i.e. 20 p.a.

* Delivered before the Council of the South African Institute of Race Relations at Cape Town, on January 7, 1938.

The Immorality Act had affected the figures, as many marriages took place soon after the law was passed, to avoid penalties. For example, in 1927 there were 64 marriages between European and Native, and 42 in 1928. The Bill, if passed, would damage the Union's relations with India, while it would also place a stigma upon the white people of the Union, proclaiming to the world that they could not any longer keep their race pure without this legislation.

The Minister for Native Affairs (the Hon. P. Grobler) supported the bill. He said that the State did not rely solely upon public opinion in regard to such matters as theft and drunkenness, and it was therefore illogical to rely only on public opinion in this matter.

The Bill was supported by the Nationalist and Labour parties.

A motion to adjourn the debate was carried and the Bill was not brought forward again.

Provincial Legislative Powers Bill and White Women's Employment Restriction Bill;

The first of these Bills aimed at giving the Transvaal Provincial Council power to refuse trading licenses to Non-Europeans who employed "white people". The measure was referred to a Select Committee which brought forward the second bill instead. The second Bill confined itself to the employment of European females and proposed the prohibition of their employment by or under the control of Asiatics (i. e. excluding Jews, Syrians and Malays) or companies controlled by them, except with the special permission of the Minister of Labour. There were exempted (a) female medical practitioners and nurses, (b) accredited representatives of foreign states (if they were not engaged in trade in the Union), and (c) any Japanese national while there was in force a Trade Agreement between the Union and Japan.

The Government of India lodged a vigorous protest against the Bill, especially in regard to the differentiation between Indians and others of Asiatic race.

An offer from the South African Indian Congress to secure by voluntary action the cessation of all employment of the kind objected to, and the derision aroused by the exclusion of the Japanese during the existence of a trade agreement between the Union and Japan, caused the withdrawal of the measure.

Transvaal Asiatic Land Tenure Bill

This Bill aimed at preventing European women, married to Non-Europeans, from owning land in the Transvaal by which the restrictive laws in regard to land tenure by Non-Europeans were evaded. The Bill was referred to the Select Committee which dealt with the Bills mentioned in the previous paragraph, but no report came up from the Committee.

Since the session closed the Minister of the Interior has given a promise that a Commission will be appointed to consider the subject matter of the foregoing Bills, and this has evoked a protest from the S. A. Indian Congress on the ground that it is a breach of a "gentlemen's agreement."

Industrial Conciliation and Wage Acts

These measures revised the existing wage regulating machinery. They specifically require that race or colour shall not be a consideration in the fixation of wages. Pass-bearing Natives are, however, excluded from the operation of the Industrial Conciliation Act, unless they are included in specific wage agreements by direction of the Minister of Labour. The exclusion of pass-bearing Natives from the definition of employee results in the non-recognition of organisations on trade union lines consisting only of pass-bearing Natives. The Act now contains a provision enabling the Minister to authorise an inspector of labour to appear at meetings of industrial councils to represent workers who are not represented on the Councils but who may be affected by the industrial agreements.

During the discussion in Parliament on the Industrial Conciliation Act, members of the National party tried unsuccessfully to secure the prohibition of the membership of Europeans and Non-Europeans in the same trade unions. The Minister of Labour resisted this on the ground that it would be an unwarrantable interference with the autonomy of trade unions.

The Marketing Act

This measure provides for the establishment of a National Marketing Council and Advisory Board of Producers and Consumers. Membership of these bodies is confined to Europeans, although Indians are considerably affected as producers, and the Non-European Population as a whole are affected as consumers. Efforts were made in Parliament to secure representation of Indian producers but without success.

The Native Laws Amendment Act

This measure has brought in drastic amendments and additions to the Natives (Urban Areas) Acts, with consequential and other amendments to the Native Labour Recruiting Act and the Native Trust and Land Act.

Controversy was aroused by the decision of the Government to insist upon the Bill being passed during the 1937 session, instead of referring it to the Natives Representative Council established by the Representation of Natives Act of the previous year, as, under this Act, all measures affecting Natives must be referred to the Council before they can be dealt with by Parliament (or, in the case of an ordinance, by the Provincial Council concerned).

Bantu leaders were incensed by this decision, as it had been generally understood that the Natives Representative Council would be able to express itself on the Bill. Many interested bodies also asked for postponement to give them time to consider the drastic nature of some of the proposals.

The Government, however, held that the Bill was an essential part of their Native policy, that its main features had been before the public for many years, and had been discussed by the Select Committees which had dealt with the Acts passed in the previous year, i. e. the Representation of Natives Act and the Native Trust and Land Act. The principles of the Bill could not properly be referred to a body created as the result of a policy of which they formed part. The powers conferred and the obligations imposed on the Government and the municipalities by the Bill were essential for the effective carrying out of this policy.

In introducing the measure the Minister of Native Affairs said that it sought to "establish once and for all the policy that Natives should only be permitted to come into the towns in so far as their presence is demanded by the white people."

The Bill passed rapidly through Parliament as it obtained the support of the Nationalist and Labour parties. The main features in relation to urban areas are:—

- (1) Restriction of purchase of land by Natives in urban areas and more effective segregation in urban areas.
- (2) Greater control over entry of Natives into urban areas and the prohibition of the employment of

"foreign" Natives except when under control, e. g. as on the mines.

- (3) Collection of rentals due to local authorities for location houses by warrant or alternatively through employers.
- (4) Discontinuance of prohibition in regard to kaffir beer in urban locations by making possible the licensing of individual Natives to brew and sell beer and making, where there is no other legitimate source of supply, domestic brewing by householders universal.
- (5) Removal under certain conditions of Natives surplus to urban labour requirements.
- (6) Increase of powers of the Minister to act on behalf of and at the expense of any local authority which may not be carrying out the objects of the Natives (Urban Areas) Act as amended.
- (7) Creation of exchanges to assist in distributing Native labour.
- (8) Prohibition against Native rural townships in European areas and control by the Minister over the creation of such townships in scheduled or released areas.
- (9) In the Cape Province, the inclusion within the terms of the Natives (Urban Areas) Act of Native registered voters who have obtained the vote through occupation of a municipally owned house in the location.

A paraphrase and analysis of the Natives (Urban Areas) Act, as now amended, appeared in *Race Relations* for November 1937.

An important section of the Native Laws Amendment Act is that which withdraws the immunity from the restrictions of the Natives Land Act which Mission land has enjoyed since 1913. Missions are now in the same position as any European in regard to land transactions with Natives.

The Powers of Parliament

Albert Ndławana, a Native who was registered as a voter in the Cape Province, prior to the coming into force of the Representation of Natives Act, 1936, applied to the Cape Supreme Court for an order restraining the Minister of the Interior, the Minister of Native Affairs and other relevant officials from removing his name from the ordinary voter's roll and placing it on a new voters roll under the Representation of Natives Act. The applicant contended that the Act was invalid because it was not enacted

by Parliament but by both Houses of Parliament at a "Joint Sitting", that, since the passing of the Statute of Westminster, the Union Parliament alone has the power to alter the South Africa Act, or indeed to enact any legislation of any description, and that in terms of the South Africa Act the "Joint Sitting" could not be regarded as equivalent or alternative to the Senate and Assembly sitting separately as Parliament. It was alternatively contended that the vast bulk of the provisions of the Representation of Natives Act did not fall within the scope of the entrenched clauses of the South Africa Act and were therefore "ultra-vires" the Joint Sitting.

On appeal, in the Appellate Division, the Acting Chief Justice (Mr. Justice Stratford), in giving judgment said that the Court had no jurisdiction in the matter, and that when an Act of Parliament has been duly passed, signed and promulgated, the Court has no power to go behind it.

The Court held that, while the entrenched provisions of the South Africa Act were not repealed by the Statute of Westminster, the effect of the Statute is to make the Union Parliament the sovereign legislature in the Union, with power to repeal or amend any British Act, order, rule or regulation in so far as it is part of the law of the Union. So long as the entrenched provisions remain (and they can be repealed or altered by the Union Parliament) the procedure laid down in the South Africa Act should be followed. The power of the Union Parliament is limitless, it is not bound by the Constitution as laid down in the South Africa Act (which is an enactment by the Parliament of the United Kingdom) and Parliament can adopt any procedure it likes.

There are two points arising from this judgment which call for notice, others will no doubt emerge as time goes on.

The intention of the National Convention that the Act of Union should contain certain safeguards for the protection of existing rights has been overruled. There is now nothing to prevent Parliament from wiping out any reservation or safeguard appearing in the Act of Union, as, for example, the second proviso of Section 152. The Constitution is now entirely flexible.

If this view is correct, there appears to be nothing to prevent the Union Parliament at any time repealing the Schedule to the South Africa Act which lays down the conditions under which the High Commission

Territories are to be administered. If it is desired to entrench the conditions under which the Territories are to be incorporated in the Union, some other method must be found.

The S. A. Native Trust and Land Act

During the year the Native Affairs Administration was busily engaged in taking advantage of the Act for the acquisition of further land for Native occupation. The amount of Crown land transferred to the Native Trust under the Act has been about 2,174,000 morgen, and 312,000 morgen have been purchased, making 2,484,000 morgen so far added to the 10,450,000 morgen reserved for Native occupation before the Act was passed.

A White paper prepared by the Secretary for Native Affairs was published in February 1937, in which the policy to be pursued in the allocation and use of the land was outlined. It has been made clear by the Administration that the land acquired by the South African Native Trust is to be used primarily (1) to relieve the congestion in existing Native areas, (2) to provide land for tribes not provided for by the Natives Land Act of 1913 or its amendments, (3) to meet the obligation imposed on the Trust by the Act to accommodate Native farm workers who may be displaced through the operation of Charter IV, and (4) to meet also the obligation imposed by the Natives (Urban Areas) Act, as amended by the Native Laws Amendment Act of 1937, to accommodate any Union Natives who may be compulsorily removed from urban areas. In all instances some form of rental must be paid by the Native tribe or individual occupier, the proceeds, however, being paid into the Trust and used for its purposes.

Representation of Natives Act

The first elections under the Act were held during the year, and were keenly followed by the bulk of the Bantu, whether in the Reserves, on the European farms or in the towns. Although the actual nominations and voting was done, in the case of the electoral colleges, by chiefs and the elected or nominated members of the bodies forming the electoral colleges, these consulted the people as a whole, who took a keen interest in the elections. Thus the elections served, for the first time, to bring the masses into close touch with discussions on questions affecting them, such as land, education, taxation, wages. A notable feature was the fact that, under the Act, Native farm

workers were called on to elect representatives to serve on the electoral colleges, and in most areas they eagerly took advantage of this right.

There are now representing the Bantu of the Union: four Senators, three Members of Parliament, two members of the Provincial Council of the Cape Province (all Europeans), and the Natives Representative Council consisting of the Secretary for Native Affairs, five Chief Native Commissioners and sixteen Bantu members of whom four are nominated by the Governor-General and twelve elected by the electoral colleges. The Council is actually one short of its full membership due to the urban advisory boards of Natal not having the minimum number of two thousand taxpayers registered as domiciled within the areas covered by the boards. The low voting strength of the urban areas was a noticeable feature of the elections. This was due to the practice of registering a Native for taxpaying purposes at his place of origin. In many instances the taxpayers have been domiciled

Administration of Justice

Relations of Police and Non-Europeans

The earlier surveys have dealt with the numerous references in the press and elsewhere to the unhappy relations existing between the Police and Non-Europeans, the latter in most cases being Natives. The report of the Commission appointed to enquire into a number of matters concerning the Police Force was published in October. The commissioners found that "the conduct, tone and efficiency of the Force as a whole is satisfactory." The Commission recommended that higher standards of education should be required by Indian, Coloured and Native recruits, more particularly for service in urban areas, and that certain improvements in their conditions of service should be effected.

With reference to the relations between the Police and Non-Europeans, the Commission found that the relations of the police and the Indian and Coloured communities were not characterised by the unsatisfactory features which marked the relations between police and Natives, especially in urban areas, where "an attitude of dislike and distrust of the police exists amongst Native urban dwellers, arising from the duty of the police to enforce various restrictive laws mainly affecting Natives, but often contributed to by unnecessary harshness and lack of sympathy of the police in the performance of the duty" (Summary of Commission's Recommendations, and Principal Observa-

(i.e. resident without intention to leave) in urban areas for twenty or thirty years but are still registered and thus "domiciled" under the Act in rural areas for tax purposes.

The first meeting of the Natives Representative Council was summoned to meet in Pretoria on December 6, 1937, and it continued in session until December 13. It was opened with addresses by General Smuts, as representing the Prime Minister, who was not well enough to be present, and the Minister of Native Affairs.

As required under the Act, the Council had before it the estimates of expenditure for Native services, and the Native Affairs Administration gave detailed account of the various development projects it has on hand. A large number of matters were raised, on motions, by the members themselves. Most of the members have had long experience in public affairs affecting the Bantu.

tions, No. 113). The difficulties enumerated in the suppression of the illicit liquor traffic is a contributing factor (114). The pass laws, Native tax law and the liquor law give the police wide powers of arrest and this fact begets arrogance and harshness in some policemen and sullenness and resentment in many Natives (118). The police van has been misused to some extent, being employed largely in the arrest of pass-less Natives, which is not its true function. Its movements should be strictly controlled (121). Many complaints of assault and harsh treatment of Natives by the police were laid before the Commission, but there were indications that many false reports are made by Natives; on the other hand Native policemen tend to use unnecessary violence, and some members of the police force (i.e. including Europeans, are disposed to stand by one another even at the sacrifice of truth (115, 116, 117). Attacks by Natives on the police are increasing (119). "Relations between Natives and the police are marked by suppressed hostility, due partly to the odium incurred in enforcing unpopular legislation and partly to the tactless and unsympathetic methods of enforcement. Every effort should be made to ensure that such legislation is enforced with the maximum consideration possible" (123).

The Commission recommended that the co-operation which exists between the police and Native Advisory Board and other Native bodies should be

extended as much as possible, so as to minimise the occasions of friction. (122). The Commission also recommended that in the training of police recruits instruction be given in the handling of the public and that members of the police force be constantly reminded of the necessity for using the utmost degree of tact and consideration in their relations with any portion of the public Native or European". Attention was also drawn to the necessity of dealing with urbanised Natives in a different manner from that adopted in rural areas (par. 318).

On September 19 a riot occurred, with tragic results, in the Native Location at Vereeniging, two European constables being killed and one seriously injured, and three Native constables were also injured. About seventy Natives were arrested later.

The riot followed upon police raids in the Location on two successive days, the second raid being on a Sunday afternoon when large numbers of Native workers from surrounding works were visiting the Location and when many of the residents were on their way to church services. All were commanded to go to the central square, and the riot ensued. The deaths caused consternation in the Location and fierce resentment among Europeans, more particularly in the rural areas. Numerous meetings were held in the Transvaal and Orange Free State, attended mostly by European farmers at which angry speeches were made and resolutions were passed demanding strong disciplinary action against Natives. The Minister of Justice (General Smuts) at once appointed a Commission to enquire into the causes of the riot. The Commission consisted of the Secretary for Native Affairs and the Senior Magistrate of Johannesburg.

The Commission found nothing to justify the murderous attack on the police (could anything have justified unlawful use of force in such situations?) and recommended the stern repression of violent resistance to constituted authority. Contrary to frequent assertions, the Commission found that Communist agencies played no part in the riot.

The Commission, however, found several contributory causes, most of which coincide with the findings of the Police Commission mentioned earlier in this survey. It is notable that the Commission said "that to invade gatherings in a location on a Sunday afternoon for the purpose of inspecting passes and tax receipts is neither necessary nor discreet, but is to give enforcement the aspect of oppression." During the enquiry the police denied that the sjambok was ever used by them, notwithstanding evidence to the

contrary. The Commission evidently accepted the evidence, for it said that "there is no legitimate use for a sjambok in the hands of a policeman and we recommend that the order forbidding police officers to carry them be enforced, and that a similar prohibition be applied by the Town Council to any of its staff engaged in police duties."

The Commission recommended that complaints by Natives of ill-treatment at the hands of policemen should be receivable by officers of the Native Affairs Department or by Magistrates and referred to a commissioned officer of police for enquiry. Recommendations were also made regarding the housing of Native workers and the supply of kaffir beer.

The circumstances surrounding the riot, the possibility of charges of murder and the racial tension which followed the riot, called for the fullest possible investigation, and after consultation with the local government and municipal authorities, the S. A. Institute of Race Relations agreed to the Bureau of Legal Aid for the Poor, recently initiated by it at Johannesburg, being made available for the defence of those of the arrested Natives who were unable to arrange for their own defence and for the representation of the Location Advisory Board at the enquiry. This resulted in a great deal more information being placed at the disposal of the Commission than would have been the case otherwise, and throughout the enquiry the Bureau gave all possible assistance to the representative of the Department of Justice detailed to present the evidence.

The importance of this action was made more evident by the threats made at public meetings and by letters of violence and boycott against any Vereeniging lawyer who undertook the defence of the arrested Natives. The Incorporated Law Society of the Transvaal approached the Minister of Justice on this latter aspect of the situation, and he assured the deputation that the Government would not tolerate interference with the course of justice. The Bar Councils of Johannesburg and other centres passed resolutions affirming the right of every accused person to be defended and expressing disapproval of the efforts made to dissuade legal practitioners from defending Natives charged in connection with the Vereeniging riot.

On September 24, sixty policemen who entered the Maci Reserve, near Harding, Natal, to arrest tax defaulters, were ambushed by about four hundred tribesmen, two European and eighteen Native policemen being injured. The chief and indunas gave

valuable help to the police in preventing further violence. Coming so close upon the Vereeniging riot, the disturbance received considerable attention in the press. Mr. H. C. Lugg, who is the Chief Native Commissioner for Natal, addressing a meeting of the Native Welfare Society at Pietermaritzburg in October, said that too much importance should not be attached to the disturbance, as similar disturbances had often occurred in the past in Natal and Zululand.

There were other clashes not less serious, between large numbers of Natives and the police, one of these being at Aliwal North in November when between three and four hundred Natives threw stones at policemen who were arresting a Native for exceeding the speed limit. Fortunately no one was seriously injured.

Crimes of Violence

Crimes of violence by Natives and Coloured seemed to be much more in evidence during the year, but whether this was so or not in actual fact will only be disclosed when the criminal statistics for the year are available.

There were many instances of attacks by Natives on women and girls, mostly Natives, and public feeling was aroused in several rural districts by attacks on European farmers. In some cases there was evidence of provocation.

The use of the knife by Natives is alleged to be very greatly on the increase, and during the year the Transvaal Ordinance was amended to limit the size of the blades of knives which may be carried by Natives to 2½ inches.

There was a public outcry in Cape Town, Durban and Johannesburg demanding greater police protection because of an epidemic of robberies with violence. At Cape Town unemployed Coloured youths, known as "skolly boys", use the knife in attacks on night watchmen, policemen, pedestrians and motorists (especially those found sitting in stationary cars), and they infest the dock area, where sailors are victims. The evil seemed to increase during the year. Leaders of the Coloured community declared that the operation of the Colour bar has deprived Coloured youths of opportunities for employment and helped to increase this class of criminal.

At Durban and Johannesburg similar attacks were made by Natives, the victims being Europeans and Non-Europeans. At both centres proposals were made

that private individuals, both European and Bantu, be enrolled as special constables, but the police authorities opposed on the ground that the special constables would not be sufficiently subject to discipline and control.

The cumulative effect of these various forms of crime mentioned above, contributed greatly to the tension in public feeling among Europeans which the Vereeniging riots brought out. The Prime Minister referred to this in a speech at Pretoria shortly after the riot as "the ominous prediction of an approaching clash, which began to take root among the European population following on the many instances of robbery and other crimes of violence committed during the last few months by Natives against Europeans".

At Vryheid, Nylstroom, and Pietersburg, following upon local crimes of violence by Natives, there were demands from Europeans for the public hanging of Natives "to convince the Natives that murderers are really hanged."

Sentences on Natives

The inequality of the sentences upon Natives as compared with those imposed on Europeans continued to be a frequent subject of comment in the press. The Wild Life Protection Society, which has in the past urged that sentences under the Game Laws should be adequate to protect the wild life of the country, found it necessary to write to the Press to protest against the disparity in sentences in several cases where Europeans and Natives were convicted for the same offence.

Whilst it is true that an examination of the Court record and of the accused's past history would in some instances reveal a different story from the press report, the sentences imposed on Natives too frequently bear no real relation to the nature of the offence or the Native's capacity to pay the fine imposed.

Natives and Statutory Offences

The following statistics, kindly supplied by the Director of Census and Statistics, may be compared with those for earlier years given in last year's survey:

Natives convicted in the Union during 1936

Serious Crime	17,098, males	1,545 females	Total 18,643
Other offences	355,628 males	85,640 females	Total 441,268
Total all offences, 1936:	372,726	87,185	Total 459,911
" " " " 1935:	355,628	46,512	Total 402,140

<i>Fredominant Offences :-</i>	1935	1936
Native Taxation Act	68,727	62,941
Possession of Native Liquor	63,038	68,012
Pass Laws	41,645	62,864
Municipal Regulations	37,860	38,353
Natives (Urban Areas) Act	32,620	4,233
Location Rural (Reserves) Regulations	13,567	19,078
Common Theft (under £50)	16,415	18,347
Common Assault	17,314	18,019
Drunkenness	19,203	17,054
Native Labour Regn. Act	20,583	16,831
Trespass	11,255	16,331
Masters and Servants Acts	14,404	13,866

In the case of the convictions under the pass laws, 32,438 were on the Witwatersrand, and 41,451 in the case of illegal possession of Native liquor.

The effects of the numerous statutes imposing penal sanctions to which Natives are subject is to be seen in the preponderance of the convictions for statutory offences, which account for close upon 90 per cent of Native convictions. Unfortunately no statistics are available to show the extent to which these convictions resulted in actual imprisonment. It should be noted that, in the case of a Native charged with even a statutory offence, detention follows in most instances.

These statistics should be read in conjunction with the reports of the Police Commission and the Commission of Inquiry into the Vereeniging riot. In this connection the figures regarding taxation, possession of Native liquor and pass laws should be specially noted.

Economic Conditions

Employment

The following statistics of employment in secondary industries have been kindly supplied by the Director of Census and Statistics and may be compared with those which appeared in last year's survey. They are calculated on the base July 1935=1000

		<i>European</i>	<i>Non-European</i>
November	1936	1070	1136
December	1936	1065	1143
January	1937	1064	1149
February	1937	1088	1186
March	1937	1107	1119
April	1937	1111	1218
May	1937	1117	1228

Legal Aid for the Poor

The experiment sponsored by the South African Institute of Race Relations, to provide legal aid for the poor in the Johannesburg courts was put into operation in April, under the direction of Mr. H. Britten, former senior magistrate of Johannesburg. The experiment has failed to the extent that it relied on the public prosecutors to submit suitable cases for attention, as the prosecutors have found that they cannot in the time at their disposal before going into court in the morning pick out those which call for the services of the panel of attorneys and advocates available to give legal aid. The magistrates in the Johannesburg courts having been increased in number are not now so overworked as formerly. No doubt the discussions on the need for legal aid helped to impress on the authorities the need for reform. Also further investigations are now made by the police, and the names of witnesses who may favour the accused are mentioned in court and any facts favouring the accused are mentioned. Conferentes with the magistrates, prosecutors and representatives of the legal profession have resulted in a decision to make the experiment more widely known among employers, and by the close of the year the numbers dealt with had shown a sharp rise, apart from the Vereeniging riot case referred to elsewhere.

Enquiries from legal and other societies at other centres have been received with a view to the provision of similar facilities elsewhere, but enquirers have been advised to await the further results of the experiment.

June	1937	1113	1221
July	1937	1111	1223
August	1937	1116	1240
September	1937	1122	1257
October	1937	1129	1254

During the discussion in Parliament on the Immigration Act Amendment Bill (which provided further facilities for the importation of Native labourers from north of latitude 22°), the Minister of Mines said that there had been an increase of 86,000 Natives in the mining industry during the four year period ending December 31, 1936, and that there was likely to be a further increase over the next ten years up to 150,000. There were, roughly, 300,000

so employed at that time, and therefore 450,000 Natives would be employed on the mines in ten years' time.

Native Farm Labour

Farmers' organisations throughout the country complained bitterly of the lack of Native labour, and numerous proposals were put forward by them to deal with the situation, such as amendment of the Masters and Servants laws to provide more stringent penal sanctions; exemption of Natives from tax on proof of having worked a minimum period each year on a farm; and the prevention of the entry of farm Natives into the towns and the mines. The Government appointed a committee to investigate the complaints in Natal, Transvaal and Orange Free State. A great deal of evidence has been taken from farmers and their organisations and large numbers of chiefs and Native farm workers have come forward to complain of the conditions under which Native farm workers are employed. The committee is continuing its enquiries.

A Bill to amend the Masters and Servants Law of the Cape Province was introduced into Parliament by a private member. It sought to provide penalties for failure on the part of a servant to commence or resume service agreed upon under contract. A suggestion that a commission be appointed to examine and consolidate the masters and servants laws of the Union received considerable support, and a motion for the adjournment of the debate was passed.

Non-European Wages

Considerable unrest among Native workers having become manifest in Durban during 1937, and several strikes and disputes having occurred, the Durban Manager of Municipal Native Administration in July drew the attention of his Council to the situation as it affected municipal undertakings, and suggested that the Durban City Council convene a conference of the larger employers to discuss Native wages; he also suggested that the Council initiate an investigation into the wages paid to its Native workers. The conference was held and the following resolution was passed at a second meeting held on September 9th:—

"This meeting, representing large employers of Native labour in this area, views with concern the growing unrest among Native labourers mainly created by the absence of any wage controlled by law. The Government is therefore requested

to appoint a commission with the minimum delay, to go into the general question of Native wages and the betterment of labour conditions on a national basis."

On September 18th, the Durban Chamber of Commerce decided to recommend its members to institute minimum wage rates for commercial employees as follows:—

Monthly employees: £3.10.-. per month, with deductions of 5/- for accommodation and 15/- for food if these supplied.

Weekly employees: 18s. a week, with deductions of 1/3 for accommodation and 3/9 for food.

Daily Labour: 3s. 6d.

The Chamber decided also to submit the following motion to the Annual Congress of the Associated Chambers of Commerce, to be held at Worcester in October:—

"This congress is of opinion that the establishment of a national minimum wage for Natives employed in urban areas is desirable. Congress therefore wishes to request the Minister of Labour and the Minister of Native Affairs to convene a representative conference for the purpose of determining a suitable minimum wage."

The Congress adopted the resolution after deleting the word "national."

At the Annual Convention of the South African Federated Chamber of Industries, held at Port Elizabeth in October, the following resolution was passed:

"This Convention views with concern the growing unrest among Native labourers, and the Government is requested to appoint a commission with the minimum of delay to inquire into the general question of Native labour on a national basis".

Discussions in the press and at meetings of employers indicated that concern was felt lest local action, without reference to the application of a minimum wage on a national basis, might prove detrimental to the industries of Durban. On the other hand, the President of the Natal Chamber of Industries, at a meeting of the Chamber on September 21st, said emphatically that no further important industrial development could be hoped for unless the market were extended by increasing the wages of Natives.

Addressing the congress of the Associated Chambers of Commerce, the Minister of Labour said that a considerable proportion of the Native community was under-nourished, and that as the future and welfare of South Africa depended on the Native labour supply the country could not afford to let it be sapped by under-nutrition; also that as the Native races were now consumers of manufactured products a gradual raising of wages would benefit the whole community. It was not possible, however, to lay down a national minimum wage for Natives as there were substantial differences in the habits and standards of living of Native employees and of the circumstances of commerce and industry in the various towns. Use must be made of the existing machinery for wage regulation.

The Minister of Labour has since replied in writing to the resolution of the Congress that while he was in general agreement with the purpose of the resolution he thought it wiser to use the existing machinery of the Wage Act, and for this reason enquiries were to be undertaken by the Wage Board at Cape Town and Durban. He thought it better to proceed centre by centre and later the question of a nationwide minimum could be considered.

To the Minister's references to the existing wage regulating machinery should be added the reminder that under the Industrial Conciliation and Wage Acts, wage regulation must be effected without reference to race or colour, but with reference, amongst other considerations, to the capacity of the industry concerned to pay increased wages.

Native Labour Conditions

The International Labour Conference at its 1937 session resolved that the Office should study special problems of Native labour which may appear suitable for international regulation, and in particular the problems of wages, housing, rations and protection of the health of the workers.

Social Welfare

Health of Non-Europeans

Many public references were made during the year to the unsatisfactory health records in regard to Non-Europeans, particularly Natives. The Medical Officer of Health for Benoni (Dr. C. C. P. Anning)

The Governing Body of the International Labour Organisation has accepted an invitation from the Union Government to send a small delegation to the Union to inform themselves on Native labour conditions in South Africa.

Native Taxation

As shown elsewhere in this survey the convictions in 1936 showed a decrease of nearly 6 000 on 1935.

Mr. D. Smith, President of the Congress of Associated Chambers of Commerce in an address before the Congress in October said: "Every year about 70,000 Natives are sent to prison and kept there for varying periods at a cost of 1/8 per head per day. I consider that the present system of Native taxation is an iniquitous business which, if not abolished, ought to be considerably reduced. The position has not only become economically unsound but is developing into a grave social evil".

In this connection the press recorded that, an appeal by a Native from conviction by a Native Commissioner for non-payment of the general tax succeeded because the presiding officer had not recorded the case properly. In explanation the Native Commissioner stated that on that day he had had to deal with 498 cases of the same nature.

Difficulties in regard to the Native tax are also found in Southern Rhodesia. Mr. Justice Russell referring to the routine allocation of a tax payment to the discharge of the earliest tax outstanding, recommended that if a Native had paid the amount of his tax in any year he should not be convicted at all during that year.

As a result of the agitation described in last year's survey, the Union Government appointed a Committee to report and make recommendations on the methods of Native tax collection, and of dealing with tax defaulters. Consideration of the tax itself was excluded from the terms of reference. The Committee completed the taking of evidence towards the close of the year.

in a survey of the records of Benoni for the past five years said: "Accepting the infantile mortality rate as one of the best tests of the social and sanitary civilisation which the community has reached, it would appear that Europeans in Benoni are fairly well

civilised, but that the Non-European section of the population is still in the dark ages." While the Native rate was not given because of inadequate registration, Dr. Anning considered the indirect evidence indicated a rate of at least 500 per 1000. The Indian rate was 180.6 and the Coloured 230.0.

Prominence was given in the Press to General Smuts' declaration at a party congress that "the Natives of this country are rotten with disease and a menace to civilisation instead of being a first class nation. The Government is investigating the matter."

The Hon. Jan H. Hofmeyr, speaking as Acting Minister of Health in June, expressed the hope that in time about 200 Native trained medical aids, under district surgeons and missionary doctors, would be at work to improve the health of the Native people.

Tuberculosis

Numerous references were made by medical authorities to the urgent need for energetic measures to combat tuberculosis amongst Non-Europeans, and an official announcement was made that special provision is to be made for the treatment of patients at the existing Native hospitals at Lovedale, Umtata and Durban.

It is expected that the report of the Commission appointed to investigate the condition of the Coloured people will reveal the need for more active measures to combat tuberculosis amongst this section of the community.

Treatment and Care of Cripples

The announcement of Lord Nuffield's gift of £100,000 for the development of facilities for the orthopaedic treatment and care of cripples was very warmly welcomed throughout the country. All sections of the population are to benefit from the gift.

Native Education

Native Education has become the cockpit of a fight between two schools of thought. The one is represented by the findings of the Inter-departmental Committee on Native Education which reported in 1936; the other is found in the declarations made in the appendix to the Report of the Native Affairs Commission published in the latter part of 1937.

The controversy has been centred upon the question: Should Native Education be placed under

The Coloured People

The unfavourable social conditions under which the Coloured people live continue to cause concern to health officers and others interested in their welfare. At a conference of representatives of the Dutch Reformed Churches and Missions of the Union held at Wynberg in May, attention was drawn to the poor housing of Coloured workers on farms and in the towns. References in the speeches of leading Coloured persons in various parts of the country showed that they feel that the Coloured people are a "forgotten people" because the country's attention has been concentrated on the Native question.

The inadequacy of school facilities in the Cape Peninsula, where it is estimated that 1300 Coloured children cannot find a place in school, was a constant subject of complaint, while the frequency of crimes of violence committed by unemployed Coloured youth in the Cape Peninsula had become a matter of public concern.

The lack of parliamentary franchise rights for the Coloured people outside the Cape Province was emphasised by the elections held under the Representation of Natives Act, and a petition has been initiated in Natal under the auspices of a newly formed body, The European and Coloured League for Social Justice.

It is expected that the publication early in 1938 of the report of the Fact Finding Commission appointed by the Government in 1935 to investigate the conditions of the Coloured people throughout the Union will focus public attention on the difficulties of this section of the population.

A generous offer was made by Mr. H. V. Marsh of Pietermaritzburg to the City Council of £1000 towards the cost of providing a swimming bath for the Coloured people of that city, provided the Council undertook the maintenance. The gift was readily accepted.

the control of the Minister of Education, assisted by an advisory board consisting mainly of individuals with experience of Native Education or should it come under the Minister of Native Affairs in consultation with the Native Affairs Commission which advises the Minister of Native Affairs on land and other matters concerning the Native people, including the allocation of funds from the Native Trust Fund for Native Education, agricultural and other forms of development?

The question, however, is not merely one of expediency in regard to the best form of State organisation of education, but has become the crucial test, with a political significance, of supremacy between the two schools of thought.

The views of the Inter-departmental Committee were expressed in an address by Mr. G. H. Welsh, Chief Inspector of Native Education Cape Province, who served on the Committee. Speaking before the annual conference of the South African Teachers Association at Cape Town in June, Mr. Welsh said that his views were that

- (1) the ultimate absorption of the Bantu people within the broad stream of Western civilisation is inevitable;
- (2) judicious adaptations of those Native institutions which are living and healthy is wise policy; but frantic underpinning of those institutions which are tottering to their fall is futile;
- (3) the adaptations required in Native educational curricula, as compared with white school curricula, are more a matter of method and of varying emphasis in different parts than of difference in aim;
- (4) the Native himself should be fully consulted in deciding what elements in his indigenous culture are worthy of preservation, and also in deciding what elements in Western culture he would adapt to, or assimilate into, his present life.

Mr. Welsh outlined a programme as follows:—

- (1) To secure a realistic education in close touch with the life in the reserve, the farm or the town location for all Native pupils at the primary school level.
- (2) To provide full training beyond the primary level for Native students who give promise of having the necessary capacity, with a view to their occupying positions in the service of their own people, even to the exclusion of Europeans in the professions, business, manual trades, and in Government employment.

The Native Affairs Commission has declared for the closer control by the State of the content of the instruction to be given to the Native in order to make his thought and conduct conform to the policy of the State in regard to the place and function of the Native population in the organic life of the State. The Commission complains that the influence of the Missions

(which have so far been responsible, with the help of State grants under a State system of inspection, for the education of the Native) has been and continues to be in opposition to the Native segregation policy adopted by Parliament, and the effect of Native education is to destroy what the State wants to retain and build up, viz. "a Bantu nation, strong in its pride of race, developing its own genius in its own areas in the salvation of so much of its own culture and co-operative economy as is necessary to its distinctive advance." The "distinctive advance" is to be a "political, social and material evolution of the Native people 'along their own lines'." The Commission urges that the European personnel in Native education should be gradually eliminated, that "the policy of transferring Native Schools from Mission control to State control should be consistently pursued," and it expresses the conviction that the "lessons of co-operation, properly thought out and suited to the place and people and their economic conditions, will carry the Natives much further along the path of social and material development than the Standard I and Standard II curriculum which is the Native educational standard of the mass of the Natives today". The Commission goes on to say that the education it visualises must be adapted to the varying tribal conditions in the rural areas, while in the urban areas, "where Native children must be regarded as more or less permanent" education must be adapted "to the social, economic and cultural milieu of the Natives in urban areas." "This does not mean that less attention is to be paid to the ordinary curriculum of the schools."

The differences between the two schools of thought appear to lie more in their conceptions of the place and function of the Bantu in the organic life of the State than in the types of instruction they would provide: difference in the spirit of the protagonists rather than in the content of the education they would give.

The Minister of Native Affairs had, in 1936, authorised the Secretary for Native Affairs to inform the Inter-departmental Committee on Native Education that he did not wish Native Education to come under his charge. He now referred the question to the Natives Representative Council at its first sitting in December 1937. After discussion, in which Mr. Heaton Nicholls, M. P. a member of the Native Affairs Commission, defended the views of the Commission, the Council unanimously voted in favour of placing Native Education under the Minister of Education.

It is to be noted that the Native Affairs Committee of the Federal Council of the Dutch Reformed Churches claiming to speak for "the older population" declared in favour of placing Native Education under the Minister of Native Affairs so that education may conform with Native policy.

A Commission appointed by the Natal Provincial Administration to investigate the Natal educational system was divided on the question of Union and Provincial control of Native Education. The majority recommended Union control on the ground, mainly, "that it seems reasonable that the authority which prescribes the Natives' position in the commonwealth should also devise his educational system, the one depending so much on the other." The minority held that there was no evidence to show that Natal had not discharged its duty properly in Native education within the limit of the funds placed at the disposal of the Province.

The Natal Provincial Council decided to oppose Union control, but the Executive Committee of the Province has since approved of the establishment of a Union Advisory Board on Native Education under the Minister of Education to co-ordinate Native educational policy and services, but without executive authority over provincial services.

Meanwhile, the Native Affairs Commission's advisory functions in regard to the allocation of funds for Native Education continue. On the advice of the Commission the Government decided to allocate to Native Education two fifths of the Native General Tax, which, with the static amount of £340,000 contributed from the general revenue, brings the total sum available to over £800,000. The Government, also on the advice of the Commission, decided to allocate a special sum to restore to Bantu teachers the "salary cuts" suffered by them since 1931. Technical difficulties, however, have prevented the teachers benefiting as they had hoped.

Race Relations

The Jewish Question

The Jewish question was very prominent in the press and on the platform during the year. The debate in Parliament on the Aliens Bill had the effect of turning the issue into the channels of party politics. Until then, active anti-Jewish propaganda had been confined to an insignificant group with whom none of the existing political parties were ready to associate. Since then party leaders have spoken frequently on the subject. At times the utterances have seemed to indicate that the Nationalist party has been committed to a definite policy involving the restriction of the civil rights of Jews. At other times there have been indications of an appreciation of the contributions the Jewish people have made to the advancement of the country. More recently the tendency in the discussions appears to be to secure a "united front" against "liberalism" and "communism" and to associate the Jewish people with one or other or both of these.

On the other hand, an effort was made by those who disapprove of the attacks on the Jews to gather together those who are in agreement in their opposition to the Anti-Semitic propaganda. An organisation called the Society of Jews and Christians has been formed at Johannesburg to help in the strengthening of public opinion in favour of racial tolerance.

The Synod of the Dutch Reformed Church in the Transvaal, in April, resolved that it is the duty of the Church to bring the Gospel to all nations, includ-

ing the Jewish nation, and that persecution of any section of the community was not countenanced by the Church, but where anti-Jewish movements are started for economic or other reasons the Synod left it to the conscience of its members to judge of the extent to which these movements are justified in the general public interest.

The Indian Question

The Jewish Question has overshadowed the Indian Question, despite the discussions in Parliament on the Provincial Legislative Powers Bill, White Women's Employment Restriction Bill and the Transvaal Asiatic Land Tenure Bill.

The Agent General for India made several appeals for the granting of political rights to Indians, whose leaders, however, have indicated their opposition to any form of separate franchise and parliamentary representation.

The Native Aspect

The Vereeniging riot, as indicated earlier, aroused passionate feelings, particularly amongst Europeans in the rural districts, and there can be no doubt that repetitions of such incidents would lead to grave racial conflict. The unhappy relations subsisting between the farmers and their farm workers as disclosed in evidence before the Native Farm Labour Committee provide the explosive elements. The farmers live in a state of nervous expectancy owing to their belief

that their Native farm workers are being greatly influenced by political propaganda intended to discredit the farmers, and that this is the cause of the migration of their Natives into the towns. They look for some means of more effective control of the Natives. The Native farm workers, on the other hand, are often restless, sullen and resentful, believing that the selfishness of the farmer is the root cause of all their troubles. In the towns, on the other hand, the relations between the Bantu and the Police have provided the explosive elements. The problem is, however, considered to be remediable if the recommendations of the Police Commission and the Commission of Inquiry on the Vereeniging riot are carried out. Indeed, there are many instances of police officers who have won the confidence of the Bantu. One instance was brought to light during the last week of the year, when a Bantu urban community petitioned the police authorities not to remove a popular European police sergeant.

Opinion canvassed among intelligent Non-Europeans, — Bantu, Indian and Coloured — in certain towns showed that they considered the Europeans in the towns to be more friendly, more considerate and more courteous in their treatment of Non-Europeans than used to be the case. This view was held notwithstanding bitter resentment expressed against "the Government" for closing the doors to employment and other benefits against Non-Europeans.

Educational Segregation

During a debate in the House of Assembly on the Union Education Vote, Mr. J. D. Verster expressed astonishment at finding that there were 44 Non-European students at one of the Universities, and he asked the Government to exercise pressure for their expulsion.

The Minister of Education said that he was not prepared to introduce legislation to prohibit the entrance of Non-Europeans into the Universities, which depended on public support and could not therefore go far beyond public opinion.

Dr. Malan said that separate higher educational facilities must be provided; and, if separate colleges were not possible, the same staff could serve both Europeans and Non-Europeans but under conditions of segregation.

Residential Segregation

The Cape Provincial Council adopted a resolution asking the Executive Committee to introduce

legislation to empower local authorities to allocate separate residential areas for Europeans and Coloured and to provide separate recreation facilities and seating accommodation on public vehicles.

In Durban the problem of housing reform in respect of Indians was complicated by the question of segregating the residential areas. Similarly, on the Witwatersrand, the re-housing of Coloured and Indians is made more difficult by the land tenure laws and the necessity for providing separate residential areas. Nevertheless, the determination to secure social segregation appears to have increased in recent years.

Study and Research on Racial Problems

An important contribution to the study of racial attitudes was made by the publication during the year of *Race Attitudes in South Africa*, by Professor I. D. MacCrone of the University of the Witwatersrand. It embodies the results of a scientific examination of the racial attitudes of groups of University students — Afrikaans-speaking, English-speaking, and Jewish — as disclosed by a series of questionnaires. There is a historical section of the volume which traces the rise of race and colour consciousness in the European population of South Africa. In the third and final section the author sets out in technical terms a psychological analysis of the rise of hostile racial reactions in the Europeans. The work has commanded considerable attention and has received a favourable reception because of its sustained objective treatment of a difficult subject.

Another volume, of a different kind, is *Black Hamlet* by Dr. W. Sachs, being a psycho-analytical study of a Shona Native. The book has on the whole received a favourable reception as a serious scientific study.

The growing interest in the scientific study of race relations by competent research workers is to be noted. A good beginning has now been made in the psychological field, while a number of workers have for some time been engaged on the sociological side. In the latter field Dr. Monica Hunter's *Reaction to Conquest* has been warmly welcomed.

It is interesting to record that the National Union of Students decided in 1937 to merge its study sections on Bantu Studies and the Poor White Problem, into a new department of Race Relations and to encourage students to engage in sociological investigations.

Policy

Discussions on African affairs during 1937 were concerned mainly with (1) Native policy, (2) Defence Policy, (3) the German demand for Colonies, and (4) the proposed transfer of the Protectorates to the Union.

Native Policy

The Union's Native legislation of 1936 — the Representation of Natives Act and the South African Native Trust and Land Act — came into effective operation during 1937, and it was supplemented by the Natives Laws Amendment Act, as described earlier in this Survey. Thus the Union's policy of political and territorial segregation of Native rights has been ushered on its way. In a press interview given by General Hertzog in London just before his return to South Africa, he said that "Africa generally is a black continent with a number of predominantly white settlements like the Union, Rhodesia and East Africa, and that these areas "should in the course of time be reserved for whites, and Native Africa for Natives."

In Southern Rhodesia, the Prime Minister (Dr. Huggins), speaking in the Legislative Assembly in April said that the Government had found it necessary to buy considerable areas of land for the use of Natives who are being removed from European farms and Crown land intended for the settlement of Europeans in order "to carry out the policy visualised in the Land Apportionment Act." The Native reserves and the areas allotted to the Natives by the Morris-Carter Commission had never been surveyed and there were portions on which "a goat could not live, much less a native." "The dependence of the white people of the Colony upon unskilled Native labour is so complete that there is no going back on it; but it will probably be necessary, as has been suggested, to create areas where the white interest will be dominant, and to a certain extent the converse of what applies in the Native reserves, where the white man can only go if it is beneficial to the Native."

This view was endorsed by the Leader of the Opposition when he urged that the Native village settlements, now being established near the larger towns in Southern Rhodesia, should not be placed in "white areas." In no circumstances should Natives be given permanent ownership rights in village settlements established in white areas.

The Union Press drew attention to the fact that Southern Rhodesia is following Union Native policy

very closely. Mr. Oswald Pirow, in a broadcast at Cape Town in March, declared that the white population in the northern territories have accepted the Union policy which he said "concedes to the black man the unqualified right under our guardianship to develop along his own lines to the fullest extent of which he is capable, and which, in fact, places on the white man the obligation to assist the Native in such development, but which definitely once and for all time denies the Negro social and political equality with the European".

A debate on Native policy in Africa was initiated in the House of Lords in June. Lord Noel-Buxton who moved that "this House, in view of divergencies in Native policy now developing in different parts of His Majesty's Dominions and Dependencies, believes that the time has arrived for the Imperial Conference to formulate such policy in broad outline with a view to protecting the rights and promoting the advancement of all races of the Empire, whatever may be their religion or colour, and that such policy should be based upon the principle of Trusteeship."

Lord Noel-Buxton declared that there were two policies to be reconciled, viz:—

- (1) Trusteeship for Native development practised in the main at Whitehall;
- (2) Colour Bar Administration, under which the white man is master and the Native is debarred from acquiring even professional efficiency.

Lord Snell later called these "The West African and the East African Policies." He differentiated between a trusteeship which was merely a well-meaning paternalism; and trusteeship for the protection of the Native as he would be.

Lord Bledisloe with experience of New Zealand, expressed the hope that the motion did not mean that uniformity of policy and treatment should be developed in different parts of the Empire. He said that the Maori had done their utmost with amazing success to justify their position of equality, but a language bar was responsible for a conflicting outlook on life which was effecting a separation and lack of sympathy between White and Black. The landless condition of the Maori people was beginning to present grave problems.

Lord Ava and Dufferin (Under Secretary for the Colonies) said that it was not necessary to destroy every institution of the Natives; on the contrary a far better use could be made of them as really good and efficient instruments of government. A solution

of the dual interest (White and Black) could be found in either (1) division of the estate into two parts i. e. segregation, or (2) making the interests complementary. The latter was the only way to avoid a racial clash. He affirmed his Government's policy along the second line and said that the Imperial Conference was not suitable for the purpose of the motion; it was designed rather to deal with common interests for a common policy.

The motion was withdrawn.

Defence

The Survey for 1935 detailed the cardinals of the Defence Policy of the Union Minister of Defence (Mr. O. Pirow) as recalled in certain speeches delivered by him during that year. The cardinals were given as:

- (1) Military training of Europeans only;
- (2) Development of a common Native policy and common defence policy throughout British Africa;
- (3) Consideration of an African Monroe Doctrine;
- (4) A five year plan of defence organisation in the Union;
- (5) Development of physical fitness, discipline and patriotism.

An article by Mr. Pirow published in a special South African number of the *Europäische Revue* in Berlin, early in 1937, was repeated in a broadcast talk at Cape Town in March. The title of the article was "How far does the Union's Sphere of Interest extend in Africa?" and the question was answered by Mr. Pirow as follows:—

"We are limited to Africa south of the Equator, exclusive of French Equatorial Africa in the West and inclusive of Kenya and Uganda in the East. In the latter part of Africa we have a very pronounced interest, and it really is no exaggeration to say that it is as essential to the existence of the territories as it is to us to work in the greatest possible amity and in the fullest collaboration. If we remember that the majority of the areas constituting this part of Africa can afford a livelihood to a large white population, even though there are many regions which are just as unhealthy as the West Coast, their community of interests with the Union, the largest white commonwealth in Africa, immediately becomes plain." Mr. Pirow expressed the view that a common Native policy is desirable for these areas, and that ultimately the

Union's Native policy would be adopted by the northern territories for, "in the end not government and officials but men and women who have made their homes in Africa will determine Native policy." A common defence policy is also necessary, he said, because "even though the possibility that one of these territories may be attacked by an enemy from the outside may seem remote, it none-the-less requires only a moderate imagination to visualise that such an attack, for instance by an Asiatic power, would so endanger the common ideals of the whole of white civilisation that other territories would have no option but to intervene." Also, "the danger of a common attack (by African Natives) on a white minority lies in the realm of future practical politics, even though not in the immediate future. . . . These dangerous possibilities in respect of internal as well as of external difficulties should go to weld us closer together in matters of defence, in spite of the fact that all the areas affected, apart from the Union and Southern Rhodesia are the colonies of European powers."

It should be noted that Mr. Pirow has extended to Non-British territories the invitation, to join in common Native and Defence policies. This was confirmed by him in the parliamentary debate on the Defence Vote in May.

Germany's Demand for Colonies

Germany's demand for colonies became more pressing during the year, but discussion in the Union Parliament showed that there is no likelihood of any support being forthcoming in Parliament for the return of South West Africa to Germany. The Prime Minister, speaking to the House of Assembly on March 31, declared that he had from the first taken up the position that as Mandatory the Union is a trustee with a special instruction which will only end when the conditions laid down in the mandate are fulfilled and no one knows when these will be fulfilled. He hoped that when that time came Germany and the Union would be able to agree regarding the future of South West Africa in a way helpful to both parties.

The Protectorates Question

In an interview given to the Press in London on June 17, General Hertzog declared that he was very much disappointed with the results of his conversation with the Secretary of State for the Dominions (Mr. Malcolm Macdonald) regarding the transfer of the Protectorates and he added: "I fear that unless a different attitude is taken the consequences are going to be of the most unpleasant character."

On June 29, Mr. Macdonald replied to a question on this interview in the House of Commons, saying that "the policy of His Majesty's United Kingdom Government remains the same as that of the *aide mémoire* of May 1935", and that he was considering what further steps could be taken "to implement the policy."

On July 6, in a further press interview at Bloemfontein, General Hertzog again referred to his talk with Mr. Macdonald and complained that the question of the transfer was being played with by the United Kingdom Government. He had made a request for transfer on several occasions since 1925 and had pointed "to the necessity for speeding the transfer if the ruin of numbers of European inhabitants in some of the territories concerned was to be prevented." Despite the *aide mémoire* of 1935, in which "the British Minister concerned had given a written assurance in which the prospect was set out that transfer would possibly occur after a few years — at least so far as one or two of the territories are concerned" — nothing had been done to persuade the Native inhabitants to agree to transfer. Political considerations in England had prevented the promised action. "It is obvious," he said, "that the matter cannot be left at this. The Union's rights to the transfer of the administration of the territories is indisputable. . . . In these circumstances it is inconceivable for me to accept that there can be much further delay in the transfer of the territories or that the Union Government should be compelled to have recourse to the South Africa Act to request the King by means of the decision of Parliament to accede to the transfer. The consequences both to Great Britain and South Africa that would follow from such a step are so incalculable that for the time being I am not prepared to accept that the reply just given by the British Minister concerned is final. However disappointing

that reply may be, I shall remain hopeful that the matter will soon be solved in friendly co-operation."

Speaking in the House of Commons on July 9, Mr. Macdonald pointed out that contrary to General Hertzog's view of the *aide mémoire* it said that "the policy of both Governments in the next few years should be directed to bring about a situation which would make the transfer become a matter of practical politics so that it could be effected with the full acquiescence of the populations concerned". General Hertzog had agreed in July 1936 to the House of Commons being informed that there was no agreement or undertaking that the transfer of any of the territories should take place in any specified time, and had agreed that it was essential to the success of the policy of co-operation between the two governments in the matter that it should not be hurried.

Pressed to explain the meaning of "Consultation" (with Native and European inhabitants of the territories) in the *aide mémoire*, Mr. Macdonald said: "Two pledges were given: first that consultation would be taken with the local populations; secondly, that transfer could not take place until Parliament had been given an opportunity to debate the matter. It will be for Parliament to express its views as to what consultation means when the occasion arises."

The question of the transfer of the Protectorates was discussed again in the House of Commons on July 29, when the new position created by the Statute of Westminster was mentioned. On that occasion Mr. Macdonald said that if transfer were contemplated the general scheme should be observed, and anything in the schedule which was inappropriate to the present constitutional position should be a matter for discussion so that some other appropriate safeguard regarding these matters could be substituted.