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 view 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.

Communications should be addressed to the Secretary, South African Institute of Race Relations, P. O. Box 97, Johannesburg.

NOTISIE

Die doel van hierdie Tydskrif is om aan die lede van die Suid-Afrikaanse Instituut vir Rasseverhoudings feite en gesaghebbende verklarings voor te le watz van groot betekenis is vir die rasse posisie in Suid Afrika.

Uitgesonder waar dit spesiaal verklaar word, is die menings wat in artikels in Rasseverhoudings uitgedruk word, nie noodsaaklik die menings van die Instituut.

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Kommunikasies in verband met die Tydskrif moet geadresseer word aan die Redakteur Rasseverhoudings, Poobus 97, Johannesburg.

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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.

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.

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 constitutencies 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 on 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 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 tried to meet 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 of the more and 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, 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 considered the second and the fourth a breach of the principle of the territorial segregation. 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 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, published 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 a 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 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.
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 treatment of prisoners. 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 false charges against policemen. The view was taken by more than one magistrate that the general outcry against the police force was due to complaints 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 officer 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 disturbance broke out among Natives in Durban when twenty Natives attacked Non-European prisoners 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 fostered 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 unreason and apprehension in which to plant it. It is improbable that this unreason 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 characterized 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 good-will 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 goal 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 he delivered at the National Conference on Social Work held in Johannesburg in October. After paying a well deserved tribute to the Director of Prisons 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 redeeptive work; (3) separation of physically defective and sexually degenerate from other prisoners; (4) compulsory segregation in work-colonies of the "won't works"; (5) establishment of special institutions for habitual criminals. Judge Krause drew special attention to the part played by the pass laws 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 upon 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 will 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 undetermined 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. before 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 more than the nominal fee demanded by the Bar Council, and Magistrates should advise persons of this fact."

3. Natives and Statistical 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:

<table>
<thead>
<tr>
<th>Offence</th>
<th>1930</th>
<th>1935</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native Labour Regulation</td>
<td>23293</td>
<td>20583</td>
</tr>
<tr>
<td>Drunkenness</td>
<td>15995</td>
<td>19203</td>
</tr>
<tr>
<td>Master and Servant Laws</td>
<td>15861</td>
<td>14404</td>
</tr>
<tr>
<td>Theft — Common (under £50)</td>
<td>13388</td>
<td>16415</td>
</tr>
<tr>
<td>Assault — Common</td>
<td>18166</td>
<td>17314</td>
</tr>
<tr>
<td>Trepass</td>
<td>11225</td>
<td></td>
</tr>
<tr>
<td>Location (Reserves) Rules and Regulations</td>
<td>13567</td>
<td></td>
</tr>
</tbody>
</table>

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.

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.

<table>
<thead>
<tr>
<th>Month</th>
<th>European 1935</th>
<th>European 1936</th>
<th>Non-European 1935</th>
<th>Non-European 1936</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1015</td>
<td>1067</td>
<td>1035</td>
<td>1093</td>
</tr>
<tr>
<td>April</td>
<td>1033</td>
<td>1112</td>
<td>1032</td>
<td>1092</td>
</tr>
<tr>
<td>July</td>
<td>1000</td>
<td>1112</td>
<td>1000</td>
<td>1112</td>
</tr>
<tr>
<td>October</td>
<td>1018</td>
<td>1042</td>
<td>1018</td>
<td>1042</td>
</tr>
<tr>
<td>November</td>
<td>1026</td>
<td>1056</td>
<td>1056</td>
<td>1056</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Month</th>
<th>Year</th>
<th>European 1935</th>
<th>European 1936</th>
<th>Non-European 1935</th>
<th>Non-European 1936</th>
</tr>
</thead>
<tbody>
<tr>
<td>December</td>
<td>1935</td>
<td>43,176</td>
<td>367,894</td>
<td></td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>1936</td>
<td>46,029</td>
<td>387,363</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(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 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:

<table>
<thead>
<tr>
<th>Class</th>
<th>1935</th>
<th>1936</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natives</td>
<td>1935</td>
<td>1936</td>
</tr>
<tr>
<td>Union</td>
<td>158,268</td>
<td>172,599</td>
</tr>
<tr>
<td>Protectorates</td>
<td>49,435</td>
<td>55,191</td>
</tr>
<tr>
<td>East Coast</td>
<td>70,733</td>
<td>76,115</td>
</tr>
<tr>
<td>Tropical Areas</td>
<td>1,245</td>
<td>1,621</td>
</tr>
<tr>
<td>Coloured</td>
<td>1,115</td>
<td>1,149</td>
</tr>
<tr>
<td>Indians</td>
<td>171</td>
<td>168</td>
</tr>
</tbody>
</table>

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 south of latitude 22 south. Meanwhile the forcible repatriation of Natives from the Rhodesias and Nyasaland has been suspended.

It is hoped, 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 expulsions 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 Koweked Municipalities, 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 provision 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 provisions 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 National Convention 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 civilized 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 his approval of the policy which aims at the exclusion of Natives from employ-ment 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 wrote: "I have always held that a motor car should be considered as a Non-European "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 mealties for their cattle at 8/6 a bag, while Natives were starving because mealties 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 mealties 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 agricultural 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 Zoutpan-berg 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 Taxa-tion Act have increased in recent years. In 1935, the total was 68,727, showing a decrease of 846. 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 more to the 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-years of age seeking for either the abolition of the General Tax or the deviating 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 Government 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.

**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 Shirt" and Jewish young men. In several centres "Grey Shirt" 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 Roodebeek, near Standerton, on December 1st, appealed to Afrikaners for tolerance and condemned "this war on the Jews". Dr. Malan at Rivendale 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, 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 disaffection, and contains joint and independent recommendations by the three commissioners.

**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) the 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.
4. 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 Asians and seven Natives, the remaining sixty being "other Non-Europeans".

**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 organization 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-Europeans" 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 synods for 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 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. Duke, Principal and Founder of Ohrange 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: 767,944
- Total: 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% or 2.695%
- Asiatics: 32.7% or 2.18%
- Coloured: 40.77% or 2.77%
- Total: 38.36% or 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 investigations need 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 Vor-trekkers”.

“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 status, in 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 unsettlement. 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 conditions precedent to the solution of the Native problem by a policy of segregation which would logically meet 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 era 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 glimpses 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 his government would respect the transfer of Tanganyika to the Union and that the few objectionable clauses in the new treaty might be co-ordinated with mutual advantage in the interests of the Union and Tanganyika.

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 Union Minister of Railways, Harbours and Defence (Sir Herbert Pircw) has declared that the transfer of Tanganyika would be a menace to Southern Rhodesia and Portuguese East Africa. A declaration by the Minister of Railways, Harbours and Defence (the Hon. Oswald Pircw) is in favour of setting up a region in Tanganyika which would be a menace to Southern Rhodesia and Portuguese East Africa. A declaration by the Minister of Railways, Harbours and Defence (the Hon. Oswald Pircw) is in favour of setting up a region in Tanganyika which would be a menace to Southern Rhodesia and Portuguese East Africa.

Tanganyika Territory in Africa

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 met with a 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.

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Northern Rhodesia and Nyasaland

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 inaugrating at Domboshawa of an experimental course for the training of chiefs.
7. The registering of the Roman Catholic Mission at Drapers 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 year 1936 witnessed a number of important developments in Native Affairs in Southern Rhodesia. Among the more outstanding were: —

1. A further step in Government’s policy of segregation in Native Affairs. It is described (Hansard) as “a measure to establish a new policy of segregation of population and trade.”
2. The Piss 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 work or for 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.
3. 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.
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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.

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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

NATIVE AFFAIRS IN SOUTHERN RHODESIA DURING 1936

By

D. G. MIRTON

New Developments

I. Legislation directly affecting Natives

The most important bill introduced into Parliament during 1936 was the Natives Registration Bill.