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LAND, LABOUR
AND
AFRICAN AFFAIRS
1924 - 1934

by

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A dissertation submitted to the Faculty of Arts,
Rhodes University, in the Department of History
for the degree of Master of Arts

ACKNOWLEDGEMENTS

Most of the information on which this dissertation is founded, was collected when I was registered as a student at Unisa. During that period Professor S B Spies was of immense importance, discouraging nonsense and encouraging promising lines of inquiry. I am also indebted to the staff of the History Department at Unisa, who from my days as an undergraduate student stimulated my interest in history.

I owe much to Professor T R H Davenport, who succeeded Professor Spies as my supervisor. His advice and criticisms, together with his penetrating suggestions on points of style and substance, were invaluable.

A grant from the South African Council of English Education and the P M Anderson Trust helped finance a period of full-time study. I wish to thank the Council and the P M Anderson trustees for this aid.

I am also grateful to the librarians and archivists attached to the following institutions for their helpfulness and co-operation: the libraries of the Universities of the Witwatersrand, South Africa, Cape Town and Rhodes, and the South African Institute of Race Relations.

I wish to express my appreciation to Pamela Howard for her patience in deciphering my handwriting when typing the first draft of my manuscript, and to Priscilla Hall who typed the final draft and did much else besides.

My thanks to Elito Viglieno and my daughter Carolyn who over the years encouraged me to pursue my researches and who helped in ways too numerous to mention.

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ABBREVIATIONS

ANC	African National Congress
EWC	Economic and Wage Commission
ICS	Institute of Commonwealth Studies
ICU	Industrial and Commercial Workers' Union
ILO	International Labour Organisation
ISER	Institute for Social and Economic Research
NAC	Native Affairs Commission
NAD	Native Affairs Department
NC	Native Commissioner
NEC	Native Economic Commission
NP	National Party
NRC	Natives' Representative Council
ORC	Orange River Colony
SAIRR	South African Institute of Race Relations
SALDRU	South African Labour and Development Research Unit
SANAC	South African Native Affairs Commission
SANNC	South African Native National Congress
SAP	South African Party
SAR	South African Republic
SAR & H	South African Railways and Harbours
TLOA	Transvaal Land Owners' Association
WNLA	Witwatersrand Native Labour Association
UCT	University of Cape Town
UNISA	University of South Africa

INTRODUCTION

The defeat of the Smuts government in 1924¹

In April 1923 Smuts's opponents Hertzog and Creswell, leaders of the Afrikaner National Party and the predominantly English Labour Party,² formed an electoral pact. Their express goal was to unseat Smuts's government which had been in power since 1919. So, in 1924, began the Pact government. Ten years later, in 1934, these former political rivals together led their parties into fusion and the United South African National Party (UP) was born.

Between the Pact and Fusion (1924-1934) Hertzog ruled South Africa, and faced the major inter-related issues of franchise, land, African administration and labour, against the background of rapid industrialisation of Africans and whites.

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- 1 For the Smuts period, see A G Smurthwaite, 'The policy of the Smuts government towards Africans 1919-1924', unpub MA thesis, UNISA, 1975; R J Bouch, 'South African Party in opposition 1924-1929', unpub BA (Hons) essay, University of the Witwatersrand, 1972; P Kallaway, 'F S Malan, the Cape Liberal tradition and South African politics 1908-1924', *Journal of African History*, v 15, 1, 1974, pp 113-129; N G Garson, 'Party politics and the plural society 1910-1929', unpub *Collected papers of the Seminar on the Societies of Southern Africa in the 19th and 20th Centuries* (Institute of Commonwealth Studies, London, 1970) (unpub ICS seminar papers), v 1, pp 127-137.
- 2 General J C Smuts, leader of the South African Party (SAP) and Prime Minister 1919-1924 and 1939-1948; General J B M Hertzog, leader of the National Party (NP) and Prime Minister 1924-1939; F H P Creswell, leader of the South African Labour Party which joined Hertzog in the Pact government 1924-1933. For biographical details on these and other political leaders, see W K Hancock, *Smuts - The fields of force 1919-1950*; W K Hancock & J van der Poel, *Selections from the Smuts papers*, v 5; B K Long, *In Smuts's camp*; C M van den Heever, *General J B M Hertzog*; L E Neame, *General Hertzog*; O Pirow, *James Barry Munnik Hertzog*; M Creswell, *An epoch in the political history of South Africa in the life of Frederic Hugh Page Creswell*; T Boydell, *My luck was in*; L Blackwell, *African occasions*; L E Neame, *Some South African politicians*; A Barlow, *Almost in confidence*.

In the task of working out his 'native policy' Hertzog did not draw primarily on the South African Native Affairs Commission (SANAC) report 1903-1905 or the principles within the Natives' Land Act of 1913. These, it will be shown, were based largely on Cape policies and practices. Instead he rooted his policy of baasskap and administrative autocracy in the republican traditions of the North, and also much of the Natal experience. Contrary to the traditional view, therefore, which sees a lineal progression in the evolution of the segregation policy, this interpretation suggests Hertzog's concept of segregation differed in certain respects from that of his immediate predecessors, Botha and Smuts. These differences and the nature of Hertzog's segregation solution are analysed in the chapters that follow.

But Hertzog's 'native policy' also took shape from his alliance with the Labour Party and from the problems he inherited from Smuts. We must therefore examine briefly why the Smuts government fell and why the political forces were realigned in the Pact of 1924.

Society and the economy were in crisis in the early 1920s. South Africa had left the gold standard in 1920, just when the post-war depression struck. Credit was abruptly shortened, speculators lost severely, and the gold premium dropped, forcing some low-grade mines to close. Unemployment followed and poor whiteism grew alarmingly. Calls for aid all round strained the government's limited resources still more. Smuts's political fortune was certainly at low ebb, as the 1924 session and the early election that year were to prove. It was against this background that Smuts's rivals formed the Pact.

Contrary to Smuts's predictions the Pact was not a brief marriage of convenience for the 1924 election.³ Into the early 1930s, despite a split in the Labour Party in 1928,⁴ the Pact group not only held together, it even launched policies, some of them reversing those of the SAP. Why was this alliance so powerful?

3 Smuts had reason, for Hertzog during his election campaign had promised that on the night of the election the Pact would end. This decision was reversed after the Labour Party Conference held the Sunday immediately following the election. For negotiated terms on which Labour agreed to continue the Pact, see House of Assembly Debates, 29 January 1929, col 59.

4 The so-called Councillites, led by W A Madeley and J Christie, broke away. Creswell and Boydell continued in the Pact. See below, chap 7.

The relationship between the Afrikaner nationalists and the mainly English-speaking white workers of the Labour Party was apparently not clear to Smuts who misinterpreted his success in the 1921 election.⁵ That election had been fought and won by the SAP on the secessionist issue,⁶ and no doubt many Labourites registered their opposition to Hertzog's anglophobia by voting for the SAP. Yet three years later the secessionist issue was set aside by the NP as a condition of the Pact alliance. NP supporters and Labourites had common fears and grievances to override earlier divisive ethnic barriers.

Clause 3 of the agreement between the Pact partners shows that secession had been definitely shelved.⁷ Yet judging by Smuts's attempt to exploit this issue during the 1924 election campaign⁸ it appears that he remained unconvinced about just how peripheral it had become.

For many Afrikaans supporters of the SAP, Unionists were anathema. Smuts had misjudged the sentiments of his Afrikaans-speaking compatriots who saw the Unionists (whom Smuts had courted for votes in 1921) as 'jingo imperialists' with little understanding or tolerance for Afrikaner history, language or culture. This lost him the support of many former Botha supporters. He lost the backing of the English-speaking working class as well, for by 1924 they were far less concerned about imperialism than about the quality and security of their jobs.

J H Hofmeyr wrote of Smuts at the time that

what Smuts lacks is just Botha's intuition ... he does not feel the pulse of the people as Botha did. And that of course is ever so much more important where, as in this country, he has to deal primarily with a people in the main politically inarticulate and guided by sentiment, not by reason. 9

5 In 1920 the SAP lost their parliamentary majority. The results were: NP 44, SAP 41, Unionist Party 25, Labour Party 21 and Independents 3; a year later Smuts's SAP merged with the Unionists and the SAP won the election with a large majority. The Nationalists, however, held their own. The results of the 1921 election were SAP 79, NP 45, Labour Party 9 and Independents 1.

6 Smuts tried to bring about a reunion of the SAP and NP but this broke down when Hertzog insisted on freedom for secessionist propaganda, see Hancock pp 30-33.

7 Cape Times, 24 January 1923, and D W Kruger, South African parties and policies 1910-1960, pp 74-80, for basis of Pact agreement.

8 In his election programme announced to his Pretoria constituents on 23 April 1924 Smuts included the SAP theme of white racial co-operation in the fusion with the Unionists and the defeat of the secessionist issue in the 1921 election. For interesting insights on SA P party organisation and the election, see Bouch; C E M O'Dowd, 'The general election of 1924', SA Historical Journal, v 2, 1970, pp 55-75.

9 A Paton, Hofmeyr, p 86

By contrast, Hertzog by this time represented the reviving force of Afrikaner nationalism and perceptively gauged his people's needs. Many Afrikaners began to find greater security and a sense of identity within the Hertzog fold. He championed the cause of the common man against jingo capitalists and promised to secure whites in their position of privilege. Hertzog, in his determination to uplift poor whites and in his alliance with Labour, was far more sensitive than Smuts to the demands of the working class in their increasing struggle with capital.

Skilled workers, mainly English, fighting against the deskilling and the cheapening of labour, had looked increasingly to the Smuts government to guarantee their jobs. The struggle intensified with the deepening depression, the closure of low-grade mines, and large-scale unemployment which together gave the mines their excuse to reorganise the work process. The mines were retrenching a number of workers, reducing wages and abandoning the 1918 Status Quo Agreement which set a ratio in wages and numbers between Africans and whites.¹⁰ This protected white miners from being replaced by African labour at cheaper rates.

Tensions between capital and labour increased. The SAP found itself having to reconcile the radically diverse interests and demands of these two classes, and it failed. A general strike was declared in 1922 and when violence broke out Smuts declared martial law. With the army and air force ranged against them the South African Industrial Federation called off the strike, but by then between 150 and 230 men had died. This was to have repercussions for race relations far more significant than Smuts's fall from power 18 months later; but in the short term it was a powerful political weapon for it united the opposition in their fight to keep South Africa safe for the white workers.

Smuts's association and then amalgamation with the Witwatersrand Randlords had already earned him the title of 'puppet of the goldbug' and 'lackey of the capitalists and imperialists'. It is noteworthy, as Johnstone says, that Creswell first approached Hertzog in October 1921, before the 1922 strike. Creswell pointed to the 'concentration of Credit Power and Industrial Power in South Africa', which he declared was 'the great danger to the development of society'. He urged an examination of the 'structure of economic and financial power in South Africa'.¹¹

10 F A Johnstone, Class, race and gold: A study of class relations and racial discrimination in South Africa, pp 125-136

11 Exchange of letters between Hertzog and Creswell, 26 October 1921, Creswell-Hertzog correspondence, Creswell papers, National Archives, quoted by Johnstone, p 153.

Hertzog's remarks on the fiscal policies of the Smuts government show that he also was convinced that Smuts was in league with the capitalists:

I cannot but feel that the policy of the government has led to wholesale surrender to Capitalistic influences, or at any rate is leading thereto. The more the people is thrown into helplessness and the government into debt, the more will the moneyed few extend their influence and their enterprises, and the more will they become the real governing factor. 12

This common cause of Creswell and Hertzog against the unfair distribution of capital and power of the 'moneyed few' drew the two parties closer together. Smuts's use of force in the Rand revolt and a court declaration in 1923 that the job colour bar implicit in the 1911 Mines and Works Act was *ultra vires* confirmed white workers in thinking that Smuts was leagued with the capitalists. The Afrikaans press launched a strong campaign against Smuts. *Ons Vaderland* took up the cry of white civilisation in danger and denounced Smuts's support of industry's cheap labour policy which exposed the poor whites to competition. They continued:

Daar is ook opgewys hoe die kaffers in beskerming geneem word terwyl nog niks vir die mense van ons eie ras, vir die arme blanke gedaan is nie. Om goedkoop arbeid te verskaf, veral aan die buitenlandse geldwolwe, word die kaffer se status verhoog bô die van die witman. 13

Creswell fought in Parliament for the thousands of unemployed workers hit by the post-war depression; the retrenched railwaymen laid off work by an ex-Unionist Minister, J W Jagger; and the white workers who suddenly found they would have to compete for jobs with Africans at 'uncivilised' rates of pay. This gave Creswell ample political ammunition and he launched his attack on Smuts by challenging:

Let us insist on standards of civilisation, on economic standards compatible with life according to European standards, standards such as we look upon as civilised. That will interfere with profit. It will diminish the possibilities of great fortunes, but it will be vastly better for the people of South Africa and for the future national destiny. I know that some of these may be hard words for hon. members over there, but be they hard or be they not, the fact remains that when you open your eyes and look around, you see the application of this iron law, this inhuman competitive system without any regard to the standard of life, gradually eliminating the European from occupation, withering the race, the white race, and touching the future of this country in a manner which is endangering the white race from every point of view. 14

12 *Ibid*, p 154

13 *Ons Vaderland*, 20 February 1923

14 *House of Assembly Debates*, 2 April 1924, col 1289, and below chap 7

The root cause of these ills, Creswell said, was the government's support of 'ideas and principles of a commercial kind'. Their idea was 'to buy in the cheapest market and sell in the dearest'.

The threat to whites was of vital concern to tens of thousands of impoverished farmers who, suffering after droughts and devastation by locusts, were streaming to the towns only to find that what jobs there were, were filled mostly by Africans. Hertzog championed them. He demanded aid to keep whites on the land,¹⁵ and eviction of Africans squatting illegally on unoccupied crown land so that landless whites could be given land in their place. These squatters, he said, could then be forced into the service of farmers to relieve the labour shortage.¹⁶

The Smuts government's failure to arrange for the land promised in the 1913 Natives' Land Act meant that they could not enforce the Act's anti-squatting measures.¹⁷ Instead, in 1923 Smuts had taken administrative action to release certain areas from the restrictions of the 1913 Act¹⁸ so that Africans already evicted from farms in the white areas could be resettled in the reserves. Extra land was also to be made available only to relieve the position in the most congested areas in the reserves.

Smuts's action was deplored by many of Hertzog's NP supporters. They argued that his actions merely aggravated the labour shortage by providing a refuge for landless Africans in the reserves. The NP Transvaal executive denounced the government, stating that

die naturelle vraagstuk moet opgelos word met handhawing van die bestaan van die Europeaan aan sy beskawing, en die beskerming van beskaafde. Met die oog hierop is dit noodsaaklik om 'n behoorlike en doordregte politiek van segregasie van die naturel uit te voer wat die Boer nie sal beklemmer of sy plaasvolk sal wegneem nie. 19

As for aid for needy farmers, under the stringent financial conditions the SAP declared that it could only help farmers who could prove that their misfortune

15 House of Assembly Debates, Unemployment and Poverty Motion, 5 February 1924, cols 87-104, and chap 7 below

16 House of Assembly Debates, Orange Free State Native (Barolong) Land Relief Bill (2R), 28 February 1924, cols 539-541 and 3 March 1924, cols 582-594, and chaps 4 and 5 below.

17 See chaps 2 and 4.

18 See chap 2.

19 Meeting of the Transvaal executive reported in Ons Vaderland, 13 May 1924

was directly related to the recent calamities. A second criterion was that farmers being assisted should be a good security risk. Thomas Smartt, Minister of Agriculture, elaborated:

The person to be benefited under this Bill must be the owner or occupier of the land, and it must be made perfectly clear that he is in a position through drought, and through no circumstances over which he had control himself, of not being able to carry on his farming operations; but if the State should come to his assistance he will be in a position to rehabilitate himself and remain on the land and not drift into the towns to swell the numbers of the unemployed, of whom there are too many at the present time. 20

Limited or generous, relief measures coming from an ex-Unionist leader were bound to cause a negative response. It came from F J du Toit, J D Heyns and D F Malan, the MPs for Victoria West, Middelburg and Calvinia. All three implied that the Drought Relief Bill introduced so late in the session was politically motivated by the forthcoming Wakkerstroom by-election. But above all, they said, the Bill failed to relieve all impoverished farmers, in particular the landless bywoners being driven in tens of thousands into the towns. The poor whites, they pointed out, were even harder hit than many of the farmers who had suffered temporarily in the recent calamities. They would support the Bill fully but insisted it should apply to the bywoner class as well.²¹

This was not the first time that the SAP had been castigated for alleged indifference towards bywoners. Within the first week of the 1924 session, the Minister of Lands, D Reitz, had been attacked for not promoting land resettlement schemes for poor whites. He had replied:

Let me say that in my experience there is no royal road to a solution of the [poor white] problem; there is no universal panacea for this evil which is eating into the body social. The bulk of the people in this country consider that the one solution is 'back to the land'. It is quite natural. Most of the unemployed and most of the poor whites come from the land, and it is very natural for anyone to say 'back to the land'.... There are only two bodies who have attempted to solve this problem of placing poor whites on the land. These are the Dutch Reformed Church and the State. 22

But, Reitz went on, schemes like the Dutch Reformed Church one at Kakamas had failed. Despite a grant of 52 000 morgen and a state loan of £30 000, not a penny had been repaid. And then, a few months before the start of the session, the

20 House of Assembly Debates, 31 March 1924, col 1212

21 *Ibid*, col 1222 (Du Toit); col 1223 (Heyns); col 1214 (Malan)

22 *Ibid*, 5 February 1924, cols 93-94

state 'had to remove no less than 70 heads of families from Kakamas to prevent their starving'. One out of every 10 landowners - 60 000 souls - 'had been put there by the State'. These families together with those given relief jobs in forestry and the railways had brought the total dependent on state aid to 80 000 souls, or 6 per cent of the white population. Given the economic crisis, he believed the state had been judged unfairly and the criticism from the opposition was unwarranted.²³

Yet because the government had no defined policy for the poor whites they left themselves wide open to attack.²⁴ As the unemployed and underemployed in the towns increased, their cause was taken up with renewed vigour by Creswell, who now strongly backed the NP in fighting for the predominantly Afrikaner poor white class. He kept denouncing the SAP throughout 1924 for failing to tackle the poor white problem, which he put down to unfair competition by Africans. Rejecting Reitz's explanation, he argued that

under the arrangements which obtain in this country these unfortunate victims of our system are crushed down below that civilisation line and lose morale, they lose hope, and they even lose sympathy of a very large portion of the people of this country. You hear them alluded to ... as 'mean white trash'. We say on these benches that our quarrel with the government party goes far deeper than the inadequacy of the relief measures. Our quarrel is that they do not recognise that of all the issues before this country this is the most essentially national issue for the people of South Africa. 25

Such appeals swung whites into the Pact camp. Hertzog and Creswell offered a definite alternative to social equality and mixing, for they promised segregation and the preservation and protection of the whites untouched by any 'contaminating' influences. This was the aggressive attitude which boded ill for the SAP, who seemed to have nothing to offer but an allegedly directionless anti-white policy.

As W K Hancock points out, Smuts and his government were portrayed by the opposition as 'at one and the same time, violent, irresolute and incompetent'. He vividly shows how this image of Smuts grew. Hertzog, he says, accused Smuts of platskiet politiek - the policy of shooting people down²⁶ - or, as the Cape Argus reported,

23 Ibid

24 Ibid, attempt by Smuts to terminate debate on Hertzog's Unemployment and Poverty Motion, and opposition attack, col 101

25 Ibid, col 102

26 Hancock, p 162; Pirow, p 87 ff

General Hertzog went on to refer to the happenings of the past, declaring that everywhere General Smuts had indulged in a policy of shooting down. The passive resistance movement was the first occasion. [27] Then came the shooting in 1913, [28] and then the illegal deportations... Then the rebellion - shooting down and murder. [29] Then the war, which had distracted the Prime Minister's attention. Then the native trouble at Port Elizabeth - shooting again; [30] and then the trouble on the Rand [31] - shooting again. 32

These events were as devastating for Africans. Addressing the Industrial and Commercial Workers' Union (ICU) shortly after the Bulhoek affair, in which 163 members of an Israelite sect were shot dead, Selby Msimang denounced the Smuts government:

It is not for me to pass judgement against Ngikima's [sic] teachings, but I think it is within our right to condemn any system of Government which encourages lawlessness and defiance to constituted authority. Man is not bound to confess loyalty to a tyrant. History has shown that the human soul naturally revolts against injustice. 33

African support for Smuts had waned so far that the ICU, through its leader Clements Kadalie, joined the anti-Smuts coalition of the Nationalists and the Labour Party during the 1924 election. Probably the ICU were persuaded that the ousting of a government closely associated with the Chamber of Mines might

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- 27 On passive resistance see P S Joshi, The tyranny of colour, and S Radhakrishnan (ed), Mahatma Gandhi: Essays and reflections on his life and work
- 28 On the 1913 strike see E Katz, A trade union aristocracy
- 29 On the rebellion and the execution of Jopie Fourie see G D Scholtz, Die rebellie 1914-1915; N G Garson, 'The Boer rebellion 1914', History Today, v 12, 2, February 1962; and T R H Davenport, 'The South African rebellion 1914', English Historical Review, v 77, 306, 1963.
- 30 For Bondelzwarts rebellion see G Lewis, 'The Bondelzwarts rebellion 1922', unpub MA thesis, Rhodes University, 1977; for Bulhoek massacre see B G M Sundkler, Bantu prophets in South Africa and Cape Times, 26 May 1921; for African unrest and strikes see P Walshe, The rise of African nationalism in South Africa, M Benson, South Africa: The struggle for a birthright and E Roux, Time longer than rope. Hancock has good accounts of both Bondelzwarts and Bulhoek.
- 31 For 1922 strike see Hancock; H Simons, Class and colour in South Africa; Johnstone; and I C Walker & B Weinbren, 2 000 casualties.
- 32 Cape Argus article quoted in Hancock, p 87
- 33 Address by Selby Msimang, President, ICU of SA, 23 July 1921, in T Karis & G M Carter, From protest to challenge, v 1, doc 49a-1, pp 317-320. (The Karis & Carter volumes of documentary sources referred to in this thesis by number have the following titles: v 1 - Protest and hope 1882-1934; v 2 - Hope and challenge 1935-1952; and v 4 - Political profiles 1882-1964.)

be to the benefit of African labour'.³⁴ But there is no doubt that Smuts's handling of the Bulhoek and Bondelswartz massacres had left an indelible mark on most Africans' minds.³⁵

These were not the only events that politicised Africans. The Secretary for Native Affairs noted that during the war the Africans had 'maintained an attitude of strict loyalty and had refrained from any action calculated to embarrass the Government'.³⁶ Both he and Smuts blamed renewed African unrest partly on 'the psychology of war' and an increased political awareness. This, Smuts said, had led to a deterioration in race relations, and the Africans' 'attitude of respect and trust was being replaced by an entirely different thing'.³⁷ He did not elaborate; but clearly there were several basic grievances in the unrest and violence which soared in 1919 and 1920.

One of the main ones was the government's failure, after the Godley Commission had advocated reforms, to abolish or at least standardise pass laws; another, the devastating social and economic consequences of the government's failure to release the land promised in 1913. Impoverishment and landlessness forced Africans onto the labour market for longer periods, while many more, deprived of subsistence on the land, had to migrate to the towns with their families.

There they met with appalling squalor, inadequate housing, low wages, lack of educational facilities, large-scale unemployment, and a panoply of laws restricting and controlling their every movement. Politically impotent, Africans resorted to passive resistance, strikes and deputations to have their grievances redressed.

Several government commissions appointed to investigate the unrest in 1919 urged the need for reform. But no action was taken. In December 1919 the Superintendent of New Brighton in Port Elizabeth warned that

there is no doubt that nearly every Native is smarting under a burning sense of injustice which is accentuated by a feeling of impotence. None who have heard the men could have any doubt

34 Karis & Carter, v 1, p 155

35 Z K Matthews stated at the treason trial that the Bulhoek massacre is a story told to African children 'as an incident that has passed into what one might call the political history of the people.' See M Benson, African patriots, p 51.

36 Native Affairs Department (NAD) report 1919-1921, UG 34-22, p 1

37 Cape Times, 27 May 1920

that it is highly urgent and desirable that the Railways and Harbours, the Chambers of Commerce and the City Council should take steps to explain to the Native the position and what it is intended to do to assist him in the fight for existence at present prices and to reassure him that he has the sympathy of the White man in his troubles. 38

Although the unrest in 1919 had not spread to the mines there was 'abundant evidence to show that all was not well', Smurthwaite notes.³⁹ By early 1920 42 000 Rand Africans, mainly from the mines, were on strike. Sporadic strikes throughout the Union followed, the most serious occurring in Port Elizabeth after the arrest of Masabalala, the ICU President. A peaceful demonstration ended in shots and a crowd stampede. Twenty four people died and twice as many were injured.⁴⁰

A flurry of law-making followed, together with in-depth investigations into pass laws, urban conditions and wages. They produced the Native Affairs Act of 1920, the Natives' Registration and Protection Bill⁴¹ and the 1923 Urban Areas Act.

One way or another, these laws were both deplored and welcomed. But overall, Smuts was accused of a policy of drift. Smuts, argues Hancock, 'delivered himself into the hands of his enemy' by using phrases 'about letting things develop',⁴² when

on every disputed issue the challenges demanded an answer in terms of either-or; but the defenders responded in terms of more-or-less. Such a response was psychologically ineffective. 43

In the propaganda battle, writes O'Dowd, Smuts

38 NA 215/768/18/F473, 10 December 1919 quoted in A Smurthwaite, 'The policy of the Smuts government', unpub MA thesis, UNISA, 1975, p 40

39 Ibid, pp 40-53

40 See Report of the Commission to Enquire into the Native Riots at Port Elizabeth, October 1920, PM 417/277/20, and NAD report 1919-1921, UG 34-22.

41 The Bill recommended substantial reforms in the pass laws but it was rejected. Section 12 of the Urban Areas Act, a restrictive measure, was introduced instead. See T R H Davenport, The beginnings of urban segregation in South Africa - the Natives' (Urban Areas) Act of 1923 and its background, occasional paper 15, ISER, Rhodes University, 1971, p 27, and chap 8 below.

42 Hancock, p 87

43 Ibid, p 163

did little to enlighten the electorate as to what its policy was. In fact its propaganda seemed to bear out the accusations made by Nationalists that it had no policy at all in respect of the 'native problem'. 44

Smuts often conceded that his approach was piecemeal. Introducing the Urban Areas Bill he said

we are left with a sort of policy however modest and humble it may be. The large principles we must leave for the future ... however much a policy of going step by step may be criticised, and it is subject to criticism, still it seems to me that we shall have our hands full and more than full if we deal with the situation as it arises. Let us not be led astray by vague formulas which do not work in regard to Native Affairs. 45

Both the Botha and Smuts ministries had learnt from experience, though, that 'vague formulas' were acceptable in theory but rejected by whites when put into practice. The number of Bills drafted and then withdrawn or dropped testified to this.⁴⁶ Between 1910 and 1923 at least five segregation Bills failed. The Natives' Land Act, embodying the catch-all principle of segregation, had unanimous white backing until its complement, the Native Administration Bill, was tabled. This Bill would have brought some relief to Africans by adding about 8 million morgen to the 10 million morgen already scheduled in 1913. Parliament agreed in principle that segregation should be the law of the land, but then the Select Committee showed that clashing needs and demands - especially on how to resolve the labour shortage in the primary sectors - meant that consensus on land policy would be difficult if not impossible to achieve. Since several other measures depended on the prior definition of reserves these too had to be dropped.⁴⁷

In consequence Smuts turned pragmatic. He was even prepared to modify his Bills to suit his opponents. As Davenport points out, rather than let 'native policy' become a party-political football, the Smuts government refused to force the Bill through in its original form.⁴⁸

44 O'Dowd, p 70

45 House of Assembly Debates, 12 February 1923.

46 Native Squatters Bill 1911, Native Disputes Bill 1912, Native Administration Bill 1917, Natives (Urban Areas) Bill 1918, Natives' Registration and Protection Bill 1923, Class Areas Bill 1923

47 See chap 5.

48 T R H Davenport, 'The triumph of Colonel Stallard: The transformation of the Natives' (Urban Areas) Act between 1923 and 1937', SA Historical Journal, v 2, November 1970, p 78

'Native policy was not a fit subject for party politics',⁴⁹ to which Garson adds that 'dedicated and expert administrators' (mainly Cape officials) were concerned to keep African affairs outside the party-political system because as they saw it

the party system encouraged lobbying by special interests, such as farmers, landowners, the mines, liquor producers and traders. Concessions to these would mean arbitrary decisions and their frequent reversal instead of a coherent and consistent policy based upon their own kind of expertise. 50

Smuts appreciated this. Within his own party he had been unable to reconcile the different interest groups and classes. His failure to devise an acceptable 'native policy' was therefore a primary reason for his fall.

By this time the electorate was prepared to give the Pact a chance, and everywhere support for the SAP declined. By April 1924 the government majority had fallen to eight. When a SAP candidate was defeated at the Wakkerstroom by-election on April 5, Smuts decided to go to the country. On June 17, barely two months later, with Labour holding the balance, the Pact was in power.⁵¹

49 T R H Davenport, 'African townsmen? South African natives' (urban areas) legislation through the years', *African Affairs*, v 68, 271, p 98

50 N G Garson, 'Party politics and the plural society: South Africa 1910-1929', unpub ICS seminar paper, v 1, 10, pp 128-129

51 The results of the 1924 general election were: NP 63, SAP 53, Labour 18 and Independent 1. Thus the Pact won an overall majority of 27 seats.

1 THE EROSION OF THE CAPE AFRICAN FRANCHISE

The first attack

Hertzog's political segregation solution 1924 - 1934

- a Representation at a national level
- b Representation at a local level

Reversal in council policy after 1927

White fears and the franchise question

The final attack on the Cape franchise

An assessment and unanswered questions

On coming to power in 1924, Hertzog, who had never really accepted the franchise compromise negotiated at Union, launched his attack on the Cape African vote.¹ Although its abolition was not a major political issue during the election campaign, he made it the keynote of his revised 'native policy' which he announced publicly at Smithfield in November 1925. He declared it thus:

The time has arrived for a definite native policy, a policy which will remove all doubt from the native mind about the position which he will hold in political society ... but he will have to be told in the most unequivocal language that the European is fully determined that South Africa shall be governed by the white man, and the white man will not tolerate any attempt to deprive him of that task. In this connection there should be no false issue as regards the European. 2

Within ten years a uniform system had been substituted, segregating Africans politically at both the local and national level, and Cape Africans had been despoiled of almost all their rights.

What moved the Hertzog ministry to destroy a vested right that had existed unabused by Africans for 80 years? What decided the Pact government to upset the Union constitution that had been made only 15 years earlier? These questions lead us back to earlier days and a tradition that had substantially eroded the Cape African franchise by the time of Union in 1910. Hertzog merely carried this on, adding new dimensions to what he had inherited.

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- 1 For discussion of the Cape franchise issue see M Hodgson, 'The vicissitudes of the Cape franchise', unpub article, Ballinger papers, UCT collection, D 70/80 6(e); P Lewsen, 'The Cape Liberal tradition - myth or reality?', unpub Institute of Commonwealth Studies (ICS) seminar paper, v 1, 10, pp 56-72; C C Saunders, 'The new African elite in the Eastern Cape and some late nineteenth century origins of African "nationalism"', unpub ICS seminar paper, v 1, 10, pp 44-55; S Trapido, 'Liberalism in the Cape in the 19th and 20th centuries', unpub ICS seminar paper, v 4, 17, pp 53-67, and 'African divisional politics in the Cape Colony 1884-1910', *Journal of African History*, v 9, 1, 1968; T R H Davenport, 'The consolidation of a new society: The Cape Colony' in M Wilson & L M Thompson (eds), *The Oxford history of South Africa*, v 1, pp 321-324, and *South Africa: A modern history*; H J Mandelbrote, 'Constitutional development 1834-1858' in E Walker (ed), *Cambridge history of the British Empire*, v 8, pp 380-388; J S Marais, *The Cape coloured people 1652-1937*; J L McCracken, *The Cape Parliament 1854-1910*; C F J Muller (ed), *Five hundred years: A history of South Africa*; L D Ngcongco, 'Imvo Zabantsundu and Cape native policy', unpub MA thesis, UNISA, June 1974.
- 2 J B M Hertzog, *The segregation problem*, p 3. This address was issued by the Federal Council of the National Party in 1925, and also published in full in the *Cape Times*, 14 November, and 2 and 4 December 1925.

The first attack

In 1853 the Cape Colony got a constitutional settlement that ignored colour in its electoral provisions. Furthermore, its franchise qualifications were low by the standards of the time. All adult males could vote if they occupied immovable property to the value of £25 or had an income of £50 a year. Since voting was by word of mouth, a literacy test was not required.

These arrangements came up against considerable pressure. Even in 1852, before the constitution had been finalised, the Attorney-General William Porter had to make a forceful case for a liberal franchise:

Why should you fear the exercise of the franchise? This is a delicate question but it must be touched upon. I do not hesitate to say that I would rather meet the Hottentot at the hustings voting for his representative than meet him in the wilds with his gun on his shoulder. Is it not better to disarm them by granting them the privileges of the Constitution? If you now blast all their hopes and tell them they shall not fight their battles constitutionally, do not you yourselves apply to them the stimulus to fight their battles unconstitutionally?... If you are prepared to sow the wind and reap the whirlwind, if you are prepared to tell these people that you fear to admit them to the freedom of the Constitution, if you are prepared to do all this, I, for one, would be prepared to tear this draft to pieces... As a body, there are nowhere to be found a more quiet and honest people than the coloured classes of this colony. I appeal to anyone who has travelled, that person and property are safer in no other part of the world. 3

Porter's arguments helped to assuage fears in 1852, but later they grew again and the franchise provisions became the focus of opposition. These fears became all the greater as the Cape African voters increased, especially after the introduction of responsible government (1872), the subsequent emergence of political parties, the registration campaign, and the incorporation of the Transkei in the Cape Colony. By the turn of the century virtually all 46 constituencies had African voters, the greatest concentration being in the Eastern districts. As McCracken points out, the African part of the electorate increased by 477 per cent in the 1880s.⁴ One Cape ministry after another between 1886 and 1894 responded to white fears of being swamped at the polls by Africans. They were determined to cut down the power of the African vote by changing the franchise qualifications and by more rigorous electoral regulations.

3 M Ballinger, 'Fancy franchises: A page from the history of the Cape native vote', unpub article, Ballinger papers, UCT collection, D 70/80 6(d), p 5

4 McCracken, p 80

The Uppington ministry in 1886 suggested separate African elective boards should be created to vote for their own parliamentary representative. The measure was defeated. It was still felt that 'to create "fancy franchises" and to allow various types of citizenship within one state' would be a form of 'bastard representation' and would result in 'Kaffirs voting for Kaffirs'.⁵

The Sprigg ministry made the second attack on the franchise, and succeeded. The Parliamentary Voters' Registration Act of 1887 excluded tribal and communal tenure as a qualification to vote and introduced stricter registration controls. J T Jabavu, editor of *Imvo Zabantsundu*, described the 1887 Act as 'about the severest blow that has ever been aimed at Native rights since representative institutions were introduced in this country'.⁶ Although white feeling was that the safeguards built into the Bill to prevent irregular disenfranchisement of voters made the 'purification of the voters' list cumbersome and costly', Africans felt that the Bill gave whites an unfair advantage. Their main objection was that field-cornets acting as registration officers under the new system could force voters to stand cross-examination. As *Imvo* put it, the government had gone to the extreme of raking up the 'Inquisition from debris of the Middle Ages'.⁷ After this date the white voters continued to increase but the number of Africans stayed the same, according to McCracken.⁸ So this law effected 'a substantial pruning of the African electorate'⁹ - suggesting that Jabavu's assessment was valid.

In 1892 the Franchise and Ballot Act raised the occupational franchise from £25 to £75 and introduced a compulsory educational test whereby voters had to be able to write their names and occupations. The Act modified only the conditions of the franchise, and did so for everyone alike.

In the 1890s Rhodes's ministry wanted to further deprive the Cape Africans of their vote by what J W Sauer called 'a side wind'. The Glen Grey Act of 1894 was passed to settle the land question in the Glen Grey district where disputes had been going on for years. But the occasion gave Rhodes the opportunity of dealing

5 Ballinger, p 4

6 *Imvo Zabantsundu*, 23 March 1887, quoted by Ngcongco, p 82

7 *Imvo Zabantsundu*, 23 March 1887 and *Alice Times*, 1 April 1887; and see Ngcongco, p 74 for details of several newspapers.

8 McCracken, p 80

9 E Roux, *Time longer than rope*, p 50

with the franchise issue as well, and in a way acceptable to both Bondsmen and liberals.¹⁰ The granting of individual tenure to Africans was successfully linked with setting up local councils and a separate political system for Africans.¹¹

The reduction of the Cape African vote was influenced not only by domestic concerns. In the decades after the 1890s there was also the wider issue of federation or union of the South African states and colonies. Many obstacles arose, the main one being the divergence in 'native policy' between the Cape Colony and Natal and the republics. Rhodes's Glen Grey Act of 1894 can be seen as an attempt to align the Cape tradition with the conservatism of the North. Rhodes clearly saw

the possibilities of a system of land tenure which would satisfy the upholders of native rights by giving to the natives all the advantages of individual tenure together with security ... and which would appeal to the North by carrying with it the political disabilities of land held on tribal or communal tenure, and the possibilities of separate administration through native councils.

12

The issue of closer union became particularly important after the Anglo-Boer War. In those years from 1902, the 'native question' and the whole future of inter-state relations were intimately bound up with it. Merits aside, it was seen that for an amalgamation between the four states to work, the different traditions of liberal South and conservative North had somehow to be reconciled. Hence the appointment in September 1903 of the inter-colonial South African Native Affairs Commission (SANAC).

SANAC's report in 1905 covered the gamut of 'native affairs' - franchise, labour, land and urban policy. The recommendations on franchise and representation leaned heavily on Cape traditions and practice.¹³ They stressed that Africans already qualified to vote - on the same basis as whites - should in future be put on a separate voters' list; that they should elect their own special representatives; and that once the republics became self-governing they too should be required to enfranchise Africans on this basis.¹⁴ SANAC's recommendations thus commented

10 Davenport, 'The Afrikaner Bond', unpub PhD thesis, UCT, 1960, p 303

11 Ballinger, p 7. The effect of land tenure on the franchise, and the separate administrative system established, are examined in chap 2, pp 101-102 and chap 3, pp 105-114 respectively.

12 Ballinger, p 7

13 C Tatz, *Shadow and substance in South Africa*, p 6

14 *Ibid*, pp 10-11. Clause 8 of the Treaty of Vereeniging prevented Britain from introducing franchise reforms in her newly acquired South African colonies. This was to be left to the colonial legislatures once they had been granted responsible government.

on the African franchise in the Cape Colony and also stressed the need to extend the franchise to Africans elsewhere.

SANAC's recommendations rationalised the fears of the white electorate - fears like those that had swayed the Cape ministries during the 1880s and 1890s.¹⁵ African witnesses before the commission had expressed the hope that under British law full equality would be extended to all 'civilised' or 'detrribalised' Africans, and not be confined to those in the Cape. Karis and Carter assessing documents of the time conclude

Although statements reflected in part the distinctive situations of each colony, all the arguments were similarly directed toward expanding the participation of the African in the evolving new society. The emphasis was upon the need for greater economic opportunity and political representation. The key issue for Africans throughout South Africa was the franchise. 16

African hopes were counter-productive in that they heightened white fear. It was believed that Africans were qualifying for the vote at a faster rate than whites and that this would threaten white supremacy at the polls.

SANAC sympathised with these fears and wanted to reconcile differences in African policy between the four British colonies. In the Cape, they noted, all but five of the 46 constituencies had African voters.¹⁷ It made the bogey of the African vote all the more real. The commissioners were troubled by their own prediction that Africans would outnumber whites in some of the Cape constituencies because they feared that the enfranchisement of Africans was 'a threat to white political hegemony and to the very survival of European Colonialism'.¹⁸ Like Rhodes and Hofmeyr before them, the commissioners had union of the colonies as their overriding goal. Their recommendations were tailored towards a solution that the whole country would accept. This meant sacrificing African rights on the altar of white demands. Accordingly, they emphasised the need to control and diminish the importance of the Cape African franchise.

15 See SANAC report 1903-1905, paras 417-442.

16 Karis & Carter, v 1, p 9

17 SANAC report 1903-1905, para 419

18 *Ibid*, para 441

Yet when the National Convention met in 1908–1909 to draw up a constitution for the Union, SANAC's solution was rejected.¹⁹ Delegates found it hard to reconcile the different traditions of African policy in a form acceptable to all. Natal, the Transvaal and the Orange Free State (OFS) unanimously opposed political rights and privileges on Cape Colonial lines. To prevent the unification movement collapsing, the delegates agreed to differ and to keep the status quo. This amounted to a concession by the 'Cape Liberals'. It meant that the Northerners had won and were virtually free to dictate whatever race policy they wanted in South Africa.

Britain's willingness to 'trade African rights for Afrikaner co-operation' to secure her interests contributed to the victory of the Northern tradition.²⁰ Having first compromised by granting the Transvaal and OFS responsible government with only the whites enfranchised, and then bowed to white abhorrence at the idea that an African might one day sit in Parliament, the imperial government was like a judge who had sold out his right to judge in future. This to the eventual despair and disillusionment of the Africans who went on hoping that Britain would intervene for them and failed to realise what the British imperatives were.

This Northern victory meant that the issue of the African franchise, whether in its Cape or Union context, would face the South African government in the years after Union.

Hertzog's political segregation solution 1924–1934

When Hertzog started his attack on the Cape African franchise he was continuing a tradition that sought to undermine and reduce the power of the African vote. But it was also a new move, in that Hertzog decided to impose the Northern tradition on the Cape. This would mean, finally, eliminating the Cape

19 L M Thompson, *The unification of South Africa*, chap 3 has a detailed analysis of the franchise issue and the National Convention's decision.

20 A Ngcobo, 'The development of African political protest in South Africa 1882–1910: An analytical approach', PhD thesis, University of California, 1973, p 164 quoted in V Klein, 'African responses in the Eastern Cape to Hertzog's Representation of Natives in Parliament Bill 1926–1936', unpub BA (Hons) essay, UCT, 1978. I am grateful for having had the opportunity of consulting this meticulously researched essay. See also A B Xuma, 'Bridging the gap between white and black in South Africa', address at the Conference of European and Bantu Christian Student Associations, Fort Hare, 27 June – 3 July 1930, Karis & Carter, v 1, doc 41 d, p 221; and A Smurthwaite, 'The policy of the Smuts government towards Africans 1919–1924', unpub MA thesis, UNISA, 1975, p 5.

African franchise.

As early as 1911 Hertzog had written to Fred Bell, chairman of the Native Affairs Society:

I feel that the policy of drift in connection with this momentous question is going to do South Africa irreparable harm. Ever since 1903 I have advocated segregation as the only permanent solution of the question and it is to me very clear [sic] that unless such a policy is undertaken soon, the conditions necessary for its realisation will ... vanish. It is with a feeling akin to horror that I look into the future with this question unsolved.

21

On becoming Prime Minister in 1924, Hertzog wasted no time in formulating a permanent segregation solution. Despite his admission in the first parliamentary session that he had no detailed plan,²² within the year – on 11 November 1925 – in addressing his Smithfield constituents he announced his four-point 'native policy' proposals.²³ A few months later these had been embodied in four Bills²⁴ which Hertzog tabled in a joint sitting of the Houses the following year.

The Representation of Natives Bill proposed to deprive Cape Africans of their right to vote on the same terms as whites. Instead Africans throughout the Union, voting through their chiefs, headmen and councils, were to elect seven whites who would sit in the House of Assembly except when African representation was being debated. These seven elected Members would have no power to vote on matters of confidence unless these directly affected Africans.²⁵

A second Bill – the Union Native Council Bill – projected a Native Council which was to be partly nominated and partly elected by the constituencies defined in the first Bill and which would (under strict official control) pass

21 Letter from Hertzog to F W Bell dated 9 May 1911, reproduced in the Sunday Times, 11 May 1924, quoted in Tatz, p 15

22 Davenport, South Africa: A modern history, p 175

23 See n 1.2 for references for Hertzog's Smithfield address.

24 Union Native Council Bill, Coloured Persons' Rights Bill, Representation of Natives in Parliament Bill, Natives' Land (Amendment) Bill. See Gazette Extraordinary, 23 July 1926.

25 For further details on Hertzog's franchise Bills see H Burton, The native franchise question; D B Molteno, Betrayal of 'natives' representation; D D T Jabavu, Criticisms of the Native Bills, The segregation fallacy and other papers, Native disabilities in South Africa, and Native views on Native Bills; J D Rheinallt-Jones & R V S Thema, Cape franchise and Bantu status; SAIRR, Political representation of Africans in the Union; E A Walker, The Cape native franchise.

ordinances binding on Africans only.

These two Bills, together with the Coloured Persons' Rights Bill and the Natives' Land Act (1913) Amendment Bill, formed the basis of Hertzog's race policy. Because the Cape non-racial franchise was entrenched, a two-thirds majority of a joint sitting of both Houses of the Union Parliament would have to be secured for its abolition. Undaunted by the fact that he would have to upset the Union constitution secured in good faith only 15 years earlier, Hertzog tabled his four draft Bills on 23 July 1926. However, these Bills were not proceeded with in the House, and in 1927 were reintroduced and sent to a Select Committee.

In 1929 the Select Committee reported. The Native Council Bill was held over pending further trial of the council system originally provided for under the Native Affairs Act 23 of 1920 and later modified under Act 27/1926 and Act 15/1927.²⁶

a Representation at a national level

In 1929 the Committee produced a new Natives' Representation Bill. Under that Bill, Africans were to be represented by two Senators elected by communal vote. They were to elect two more after a lapse of 10 years. In the Cape, Africans already registered as voters were to retain the franchise but no more were to be registered on the common roll: new voters were to go on a separate African roll. The voters thus registered, as their numbers grew, were gradually to elect more parliamentary representatives up to a maximum of two Senators and three Members of the House of Assembly. In the end, therefore, Africans in the four provinces would be represented by six Senators. Those in the Cape would, in addition, be represented by three MPs. All the parliamentary representatives were to be white.

This Bill was introduced in a joint sitting on the eve of the 1929 election. At its third reading it failed to get the two-thirds majority and therefore lapsed.

Despite Hertzog's electoral success in 1929, and also his increased majority and the improved Nationalist strength in the Upper House after 1926 with the Amendment to the Senate Act, the ministry 'took the prudent and unprecedented step of referring its four Non-European bills to a Joint Select Committee of the two

26 For discussion of modifications see below pp 30-31.

Houses.²⁷ Most contemporary accounts suggest that Hertzog took this step because he knew he still did not command the required two-thirds majority. But there is evidence that he had the support of at least some SAP Members, and on the strength of this the SAP had agreed to co-operate with Hertzog on a non-party basis if Hertzog agreed to send the 'Native Bills' to a Select Committee before the second reading. On 21 February 1930 a report in Die Burger suggested this was indeed the case. Part of it read:

We state on the best authority that the Bill for the Representation of Natives in Parliament will be laid before a Select Committee of Members of the House of Assembly and the Senate before the second reading.

28

The report continued:

As our readers know, it was the original intention of General Hertzog that the Bill should be read a second time before the Joint Session of the House of Assembly and the Senate and after that - that is to say after the principles of the Bill had been entrenched - it was to be referred to a Select Committee.

29

Smuts took exception to these articles.³⁰ Next day in the House he refuted the allegation that he and Hertzog had agreed to co-operate,³¹ stating 'it was a mistake and that he had promised nothing beyond that he, on his part, would not insist on calling upon any unnecessary evidence to be placed before the Committee'. He said he had 'never given any undertaking to pass the Bill but said that they would endeavour to find a solution'.³²

For Smuts himself this was more than likely true. But articles in Die Weste, Die Burger and Ons Vaderland³³ all said that opinion within the SAP on the native question had polarised after Hertzog's 1929 election victory and that Hertzog could count on the support of dissident Natal and Transvaal SAP Members. The tensions already evident in the SAP election congress in December 1928³⁴ had thus surfaced and probably encouraged Hertzog to appoint the all-party Joint Select Committee. It was a good decision, from his point of view. The Bill that

27 E A Walker, A history of South Africa (1935 edn), p 620

28 Die Burger, 21 February 1930 (my translation)

29 *Ibid*

30 See sub-leader, Die Burger, 22 February 1930, commenting on Smuts's denial in the House the previous day. Also Hancock & Van der Poel, v 5, p 323 and chap 2, p 66 where Smuts's specific objections to Hertzog's Bills are discussed.

31 Ons Vaderland, 22 February 1930

32 *Ibid*, and House of Assembly Debates, 21 February 1930.

33 Die Weste, 21 February 1930; Die Burger, 21 February 1930; Ons Vaderland, 22 February 1930

34 See Cape Times and The Friend, 8-10 December 1928, particularly on the hard line taken by Colonel Stallard and Colonel Mentz, both prominent Transvaal Members. Also G H Nicholls, South Africa in my time, p 283.

emerged from this Committee in 1935 had the support of most of the Committee members; and what is more, it was mainly the handiwork of the two arch-segregationist SAP Members, Colonel Stallard and Heaton Nicholls.³⁵ As Nicholls wrote, 'the whips were off', and no leader tried to get their Members to toe the party line.³⁶

The Natives' Representation Bill - debated and revised by the Joint Select Committee between 1930 and 1935 and later introduced as the controversial Bill No 1 - contrary to traditional interpretations was not something agreed on only after the SAP and NP fused in 1934. The Natives' Representation Bill, in essentially the same form as the 1936 Bill No 1, had been accepted by most Members as early as 1932.

To pursue the point: although the 1936 Representation of Natives Bill No 1 stemmed directly from the Representation of Natives in Parliament Bill and the Union Native Council Bill of 1926, and also from the Representation of Natives in Parliament Bill of 1929, it differed from them in several important ways. It excluded Africans completely from voting for Members of the House of Assembly.³⁷ Instead it inaugurated a uniform and Union-wide system of political representation for Africans through four white Members of the Senate³⁸ elected by four purely African electoral colleges. These changes came from the Joint Select Committee, so we can say that the specific formulation of Bill No 1 grew from the Committee's work between 1930 and 1935.

Further, on 2 May 1930 Heaton Nicholls, a SAP Member on the Joint Select Committee, introduced a new draft Bill.³⁹ This too proposed having four

35 *Ibid*, p 285 where Nicholls discusses 'what I may call, the Natal Bill, introduced by me' and Stallard's contribution, 'an additional clause to my Bill, to provide for the constitution and powers of a Grand Committee on Native Affairs in the Senate'. These Amendments were proposed on 2 May 1930.

36 *Ibid*, p 284

37 Compared with Union-wide House of Assembly representation by seven Members in 1926 and Cape House of Assembly representation by three Members in 1929.

38 There was provision for a possible increase after seven years in the number of electoral areas to six, and the number of Senators would increase accordingly.

39 The Bills discussed and compared in this section can be found in the Reports and proceedings of Joint Committees on Natives and Coloured Persons during the period 1930-1934 (Supplement to Joint Committee I-1935) (JSC 1-35), Nicholls' draft - Natives' Parliamentary Bill 1931, appendix A, p 54; and Representation of Natives Bill 1936 printed as An 4-1936 (commonly known as Bill No 1).

African electoral colleges to represent African interests in Parliament, and that the Senators might be 'British subjects of Non-European descent'. By 17 votes to 9,⁴⁰ the Joint Select Committee accepted the principle in Nicholls' proposals that Africans should not be given representation in the House of Assembly. On 14 May 1930 an amendment limiting representation to 'European' Senators was adopted by 18 votes to 8.⁴¹ Bill No 1 thus kept the main features of Heaton Nicholls' Bill, which the Joint Select Committee instructed the law adviser to draw up on 18 March 1931⁴² after the majority had voted in favour of its proposals.

Eight SAP Members dissented and three voted with the NP. Yet this vote is not really true of the SAP's stance on African representation. Despite the voting, there are indications that the SAP had agreed from the first to abide by the majority decision. First, the whips were off for the entire proceedings, Hertzog and Smuts having agreed not to pressure people on a party basis. Second, as Nicholls recorded, 'The Committee laid this self-denying ordinance on itself: that the whole Native question should disappear from the political party arena until the Committee reported to the House.'⁴⁴ Third, despite the fact that on the 9 May 1930 the Committee resolved 'to retain the right to re-open any decision arrived at', not one of the eight dissidents exercised this right on any of the main provisions of the Bill after March 1931,⁴⁵

This evidence supports the allegation of pro-government newspapers that Smuts had agreed to co-operate with Hertzog on a non-party basis if the Bills were sent to a Select Committee before the second reading.⁴⁶

Further, the Bill drafted and accepted by the Select Committee by 1932 shows a definite change in Hertzog's original idea of how to give Africans political

40 JSC 1-35, p 20. Those dissenting were F S Malan, Senator Spies (the only NP Member), Senator Wessels, the Hon P Duncan, J H Hofmeyr, C J Krige, A O B Payn, General J C Smuts, Major G B van Zyl.

41 At this stage Senator Spies voted in favour of the proposals.

42 There were a few changes in 1932 with the redefinition of electoral boundaries; conditions for increased representation after a 10 and not a seven-year period; and the composition of electoral colleges. But otherwise no further amendments were made to Nicholls' draft. See 'Memorandum on the Native Bills as dealt with by the Commission which sat at Pretoria in November 1932', JSC 1-35, appendix A, p 130.

43 Nicholls, p 284

44 Ibid, p 285

45 JSC 1-35, p 19. For discussion of the franchise measures and Fusion see concluding chapter.

46 See above pp 15-23.

representation. In his attack on the Cape African vote Hertzog, in the words of Ngcobo and Mtimkulu, had made 'progress backwards'.⁴⁷

In plans for an elective, extra-parliamentary body, there was the same tale of retrogression. Under the 1926 Union Native Council Bill it would have had 50 members, 15 of them nominated by the Governor-General, and been given both a 'deliberative' and a limited 'legislative' function. But by 1933 attitudes had changed. The Union Council Bill was dropped.⁴⁸ In its stead a clause embodied in the Natives' Representation Bill provided for a new organ – the Natives' Representative Council (commonly called the NRC). The NRC was to have only eight members elected by an elaborate voting procedure. Electoral colleges dominated by the chiefs were to be set up to elect both the four Senators and the eight NRC members.⁴⁹ The block voting system was a bad one, as Julius Lewin showed.⁵⁰ The delimitation of voting areas was so weighted in favour of rural and tribal interests that 'no candidate need pay much attention to the urban voting units because their value is so very small in comparison with the block votes cast by chiefs and Electoral Committees'.⁵¹ The constituencies were unwieldy, and senatorial representation was no substitute for representation in the Lower House.

Searching rhetorical questions on senatorial representation were posed by an anonymous writer. He wished to know why representation for all Africans had been confined to the Senate when Senators appointed under the South Africa Act 'to guard African interests had proved to be utterly ineffective'. And why 'did the candidates have to be of European descent owning £500 in fixed property' if not to ensure that they had 'absorbed the normal class-prejudice?' This and the lengthy residence qualification cut out people like concerned clergy from accepting nomination, the writer suggested. In all, the communal, tribal voting system was a mechanism to undermine the opposition of African nationalists and the urban voter. The writer went on:

47 D G S Mtimkulu & S B Ngcobo, 'Some criticisms of the Act and its results', Political representation of Africans in the Union, SAIRR New Africa pamphlet 4, p 30

48 See below p 30.

49 Alternative clause 6, JSC 1-35, appendix A, p 55

50 J Lewin, 'The electoral system in practice', Political representation of Africans in Parliament, SAIRR New Africa pamphlet 4, p 12

51 Ibid

It is easy to tabulate ingenious but disingenuous replies to all these queries but it is not worth the labour for obviously the representation is intended to be impotent. Otherwise there is no real reason for this elaborate, inconvenient and confusing structure. 52

This complicated machinery was set up to accommodate tribalism,⁵³ just as the communal voting system was a deliberate ploy to slow down detribalisation. It also succeeded in wiping out any problem of land ownership being linked to the franchise qualification in the Cape. These, however, were side issues as far as Africans were concerned. The Bill meant disenfranchisement.

As if this were not enough to quell white fears, the government had seen fit to create a monstrous representational system which few whites would cope with, Gude wrote:

This would be a difficult task for an enlightened European Community to perform but one can imagine the 'agony and bloody sweat' on the brows of the Native Councillors voting for several candidates in the order of their preference.

It is unnecessary and unreasonably complicated. If we are debarred from 'common representation in Parliament' with Europeans and may not be 'enrolled on any list or roll of Parliamentary voters' for the election of members of the House of Assembly may we not be enrolled on a list to vote for our very own Senators?

Even to be enrolled on a list for that purpose would temper the blow of being excluded from the other and more honourable and valued list reserved for the few who are not of our race or colour. 54

He reminded the government that over 5 000 Africans had died in the Great War; that Africans were already in responsible positions, often made to act as the government's administrative representatives. These facts in themselves qualified Africans for the vote. To accommodate white fears he conceded:

There would of course have to be qualifications even for such a 'Kaffir List' and it is suggested that in addition to the oft proposed (a) Monogyny (b) a standard of living (c) an educational qualification (d) one of either ... property, or income or salary or wages, ... recognised chiefs, headmen, past or present General or District

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- 52 Anon, 'The disfranchising Bill', unpub mimeo, J D Rheinallt-Jones papers, SAIRR archives, University of the Witwatersrand, B(100)C
- 53 On 27 February 1931 the NAD submitted a report to the Joint Select Committee setting out suggestions 'to determine electoral areas on a tribal basis', which the secretary said 'has much to commend itself if it were at all practicable', JSC 1-35, p 31. For detailed analysis see chap 3.
- 54 D Gude, member of the Johannesburg Joint Council, 'Memorandum on Native Bills', unpub mimeo, J D Rheinallt-Jones papers, B(100)C

or local Councillors or members of any native advisory board, or reserve board, any recognised minister of religion, school teacher, policeman, warder, prison guard, forest guard or the like, any Government pensioner or any native who was a member of the Native Labour Corps and served Overseas in the Great War be ipso facto entitled to be registered. 55

But Hertzog not only refused to extend the meagre political rights of Cape Africans to their Northern counterparts – he also sought to take away the few rights the Cape Africans had left. He devised a system to exclude Africans permanently from any political combination which would be strong enough to have a political influence or the status of a ruling majority. By abolishing the Cape African franchise and putting Africans on a communal roll, Hertzog would turn a racial group into a permanent political minority and so make them politically impotent. The nature of this impotence is clear from the system of national and local councils he offered Africans in return for the Cape franchise. It suggests 'progress backwards' on the separate representational system as well.

b Representation at a local level

Hertzog's views on local and national representation were clearly stated at Smithfield in 1925. He granted then that 'a large majority of the European population of the Cape, and also a large number in the other provinces, would oppose the abolition of the Cape franchise' and said: 'We must, therefore, put something in its place... We shall have to do this or there will be no solution of the native problem'.⁵⁶ In this sense Hertzog saw the extension of limited representation as a quid pro quo for the loss of the Cape franchise. But this was not his only argument. Taking up the theme of Africans being encouraged to 'develop in their own areas', he said:

within all native areas the native [will be] trained and encouraged to be as much as possible self-reliant, to make those areas as attractive as possible for himself, and also to govern himself as far as possible ... the object must be so to build up and train the natives that within their own territory they will order their own household. 57

To this end Hertzog at Smithfield committed his government to giving 'effect to the spirit and object of Act 23 of 1920',⁵⁸ the Native Affairs Act. This Act had already approved the setting up of local and general councils. Hertzog declared that his administration would be encouraged to introduce these councils wherever

55 Ibid

56 J B M Hertzog, The segregation problem, p 6

57 Ibid, p 6

58 Ibid, p 4

possible. He therefore accepted the principle of locally elected councils; of white appointees who would serve just as advisers; of limited juridical and plenary powers – over the construction and maintenance of roads, drains, dams and furrows, water conservation, the battle against stock diseases, sanitation, afforestation, education, and agricultural improvements. In other words, these local councils were to have followed in the tradition of the long-established Transkeian General Council (Bunga). One new feature was important: Hertzog apparently agreed that local councils be allowed to make and enforce by-laws and levy rates.

Once established, general councils were primarily to co-ordinate activities in the regions and – as we have noted – were to be modelled on the apparently successful Bunga which became fully fledged in 1931 with the inclusion of West Pondoland. Hertzog said:

[These councils] will give an opening for the developed native to exercise his powers and talents... Here he will be given the opportunity to do everything for his own people, within his own territory, and that without the interference of the white man, except in so far as the white man gives him the necessary lead.

59

Reversal in council policy after 1927

The 50-member Union Council proposed by Hertzog extended the idea of the annual Native Conference established under the 1920 Native Affairs Act. Here too Hertzog was still prepared to stress the role of the educated 'detrribalised' African as leader, as we can see from the relatively few nominated places on the Council in the draft Union Council Bill.

Hertzog also accepted the need for consultation, in his original plan. As Prime Minister he even took the unprecedented step of calling and personally addressing a Native Conference barely a month after his first public statement of 'native policy' in 1925.

It seems that Hertzog was prepared to go quite far at first in meeting African demands for a bigger say in their own local administration. He also accepted his predecessor's formula, which was a move away from segregation.⁶⁰

But between 1927 and 1933, those contemplated powers were also eroded at both national and local level. We have already seen how the Union

59 Ibid, p 5

60 For substantiation of this view see chap 3.

Council Bill was replaced by the NRC during the time of the Joint Select Committee. But even before this Committee began, there were signs of preference for a purely consultative Council. At the 1925 Native Conference on the Smithfield proposals, Hertzog promised to make the Native Conference an annual feature as a forerunner of the future Union Council.⁶¹ Yet when Africans rejected his 'Four Bills', Hertzog reneged on his promise by not summoning a Native Conference for the years 1928-1930 and so showed that African criticism of government policy was not acceptable.

At the local level, two Amendments to the original Native Affairs Act in 1926 and 1927 reduced even the meagre powers of the local councils to nothing.⁶² The changes favoured the Natal system of giving greater authority to the chiefs, thus devaluing the role the educated Africans were expected to play. Nomination was favoured rather than election of leaders, and plenary powers granted to the local councils in 1920 were deleted in the 1926 Amendment. Macmillan told the NEC why the Amendments cut down the responsibility of the local councils.⁶³ He showed how the government had begun to look backwards administratively about 1927 when the Native Administration Act officially sanctioned the policy of retribalisation.⁶⁴ He discussed the success in the Transkei with Africans given the responsibility to undertake projects there, and then questioned the government's wisdom in denying the same freedom to Africans elsewhere in the Union. This was news to Dr A W Roberts, a member of the statutory Native Affairs Commission (NAC):

Roberts I want it made a little clearer, if Professor Macmillan will do so. I think the impression that Professor Macmillan has left is that the Government has been against councils having full administrative authority. I would like to know if that is Professor Macmillan's view?

Macmillan I had in mind the perfectly definite case of the position in the Ciskei, about Kingwilliamstown... I do know that for years on end they were holding up the formation of the Ciskeian or Kingwilliamstown Council on the express ground that they were afraid to

61 Minutes of Conference summoned under Act 23 of 1920, 3-5 December 1925, Prime Minister's address, NAC report 1925-1926, UG 17-27, pp 15-16

62 For further discussion see E H Brookes, The colour problems of South Africa, pp 7, 13 and 92.

63 Native Economic Commission (NEC) 1930-1932, oral evidence of W M Macmillan, 7 May 1931. For composition of the commission and its terms of reference see below n 2.3.

64 See below, chap 3, pp 121-123.

apply the Act of 1920; afraid to allow them as much financial responsibility as they had contemplated ... the Native Administration Act, if I remember rightly, modified the financial provisions of the Act of 1920. I would suggest that they modify it again.

Roberts So that really there was at one time a distinct idea of giving them full plenary powers?

Macmillan Apparently.

65

It is noteworthy that Dr Roberts, a founder member of the NAC, should have been so vague about the government's intentions. His bewilderment - for lack of information - suggests another form of government repression, by stifling a body designed for African consultation and advice.⁶⁶ There is little doubt that initially the NAC enjoyed the confidence of African leaders, but when their express recommendations were continually overruled by Parliament or never brought to the attention of those concerned, Africans naturally became sceptical of the NAC's role. The NAC itself was in an invidious position. Their championing the Africans' cause - or at best, their attempts to relieve the harshness of some of the government's restrictive measures - was seen as a threat in government circles, and their status suffered accordingly. The NAC were possibly out of tune with the NAD administrators,⁶⁷ which again would account for Roberts' vagueness. Whatever the reason, the NAC seemed unable to please or keep in touch with anybody, and were stultified between 1927 and 1933.

Year after year African opinion was disregarded or ignored. In turn, white-acclaimed African submissiveness gave way to a more strident tone in African political debate, and the radical faction of the African National Congress (ANC) was voted into office in 1927.⁶⁸ Instead of increasing ways to redress African grievances, the government reduced them. By 1930 under the Amended Riotous Assemblies Act even the Rule of Law had been abrogated so that the government could arbitrarily suppress African opposition.⁶⁹

65 NEC 1930-1932, oral evidence of W M Macmillan, 7 May 1931

66 Hertzog certainly did not use or rely on the NAC as his predecessors did. This point is considered more fully in chap 3.

67 E E Barrett, a former Secretary for Native Affairs, had been retired under the Smuts ministry for following the Cape line. By 1926 key men in the NAD had been dropped, and the 1927 Native Administration Act made it possible to restructure and reorganise the department. See chap 3 below, n 3.43 for details. See also chap 5, pp 195-196; a letter from the NAC to the NEC suggests that under Jansen the NAC by 1931 were being ignored.

68 Following the 1926 Conference and the outright rejection of Hertzog's franchise proposals, no further government Conference was called until 1931, and in fact this was the last ever held. For official explanation see NAC report 1932-1933, UG 3-34, p 8. On the stiffening of African opinion and radical takeover of the ANC, see chap 8 below, pp 306-310.

69 See chap 8 below, p 307.

There are various explanations for this post-1927 conservatism in 'native policy'. It may have been that under E G Jansen, the new Minister of Native Affairs from segregationist Vryheid, the *laissez faire* Cape influence which had permeated the NAD before 1924 had finally been stopped.⁷⁰ The white backlash that culminated in the 1929 '*swart gevaar*' election was perhaps a sign that many diehard Nationalists, including Hertzog, detested both the 'liberal concessions' and the new African resolve. So the retrogressive changes could have been a response to white intransigence and African outspokenness. But answers such as these skirt the real issue of why Hertzog determined in 1925 to abolish the Cape African franchise – and this was undoubtedly the key point of his whole political segregation strategy.

White fears and the franchise question

Why was Hertzog almost totally preoccupied with the franchise issue between 1924 and 1929? A reason most often cited is that he had an overriding fear that Africans getting equal rights with white people became a 'danger' to white civilisation. Tatz says this, and even attributes the idea to Hertzog:

As he [Hertzog] saw it, the solution lay in legislation by Parliament to define the rights and status of Africans. On the question of African status, he regarded all ideas of equality as 'sentimental cant'; status to him meant segregation and separation, by degrees and with justice. Segregation was imperative because the African was a danger to white civilisation. 71

Tatz goes on:

Hertzog pursued this 'danger' complex with such determined consistency throughout his political career that one cannot doubt his sincerity. 72

According to this interpretation, to ensure white supremacy the Cape African vote had to go:

The keynote in Hertzog's advocacy certainly was fear:

70 UG 14-26, p 1 where staff changes are detailed in the NAD report. The reorganisation of the NAD and its significance is discussed below in chap 3, pp 113-114.

71 Tatz, p 21

72 Ibid

If there are two things which have always made the white population of South Africa very anxious ... they are, firstly, the danger that there was of intermingling of blood, and secondly, the danger there was of being dominated. 73

Hertzog comforted the white conscience:

No legislation had ever been passed by any Parliament that did not deprive someone of his rights. The white man had the fullest right to ensure his continued existence in South Africa. (cheers). 74

Such arguments, alongside events in the last few years under Smuts,⁷⁵ swayed many a white audience into thinking their future was at risk. One of the most effective rallying cries in the 1924 and 1929 elections was 'white civilisation in danger'.⁷⁶ Events were to show how easy, and as others would claim, how necessary it was for the party to exploit the 'swart gevaar' as a sure way to win votes.

There were many arguments levelled against the Cape African franchise. Hertzog took the lead. At Smithfield in 1925 he recalled the warnings implicit in the 1921 census report:

According to expert judgement it will not be long, say 50 years or so, before the number of enfranchised Natives in the Cape exceeds the number of white voters. This contention may appear exciting to more than one of you, but there is no single ground for contesting it. Everything points to this being a correct deduction from facts and figures. 77

73 South African Outlook, 1 May 1936, p 103. See also Hertzog's speech at Calvinia reported in The Star, 10 May 1924, and election campaign speech, Smithfield, 18 April 1929 reported in The Star, 19 April 1929; P J Nienaber (ed), Gedenkboek: Generaal Hertzog, pp 178 and 187. The keynote in all these addresses is fear.

74 South African Outlook, 1 May 1936, p 103. An interesting comparison is Brookes's statement in 1927 that the conditioned 'fear complex' of most whites stems from the numerical superiority of Africans, The political future of South Africa, p 40, and his revised prognosis and condemnation of politicians who exploit this fear complex, p 10 above. In his autobiography, A South African pilgrimage, he reassesses his early political conclusions drawn from his major work, The history of native policy in South Africa from 1830 to the present day, and comments: 'they were largely untenable and I could not defend most of them today' (pp 20-23).

75 See Introduction.

76 The 1924 and 1929 elections are discussed in the Introduction and Conclusion.

77 Smithfield address, Cape Times, 14 November 1925

The 'expert judgement' Hertzog relied on to justify his attack on the franchise was the Director of Census' commentary on the 1921 population count⁷⁸ which showed Africans were becoming urbanised faster than whites.

The indisputable 'facts and figures' were scrutinised and challenged by his opponents. Their arguments show that Hertzog's figures were less than reliable and his allegations mostly unfounded. D D T Jabavu also studied official figures and pointed out that in 1910 there were 6 633 African voters to 121 346 whites. The ratio of African to white was then 1 to 18. Sixteen years later African voters comprised 14 182 out of 156 531, or 1 to 11 – a comparatively slow growth in the African electorate, he noted.⁷⁹

The Joint Council's painstaking analysis of official data also gave a picture very different from Hertzog's. They showed that official figures could just as easily disprove Hertzog's swamping theory about the Cape vote. White registered voters had increased seven times more than Africans (excluding coloured and Indian), they said, and between December 1903 and December 1926, whites averaged an increase of 2 081 a year compared with 295 for Africans.⁸⁰

On Hertzog's 50-year swamping theory they pointed out that even without the enfranchisement of all whites in the Cape, and accepting that the state could use its power to keep (or even raise) the qualified African franchise, an extra 5 000 African voters would have to register each year to overtake the whites 50 years hence. But, since the rate of new African registrations had averaged only 295 a year since 1903, and the prevailing Cape African voting restrictions were to remain, the likelihood of a jump from 295 to 5 000 new voters a year seemed very remote indeed.

In a detailed demographic study of population trends, A W Roberts showed that the 1921 census statistics were unreliable. Taking just one example, that of

78 Third census, UG 40-24, part 8, p vi. For commentary see A W Roberts, 'A statistical inquiry into the population problem of South Africa', Transactions of the Royal Society of South Africa, v 13, pp 201-240; and Johannesburg Joint Council, Memorandum 4: In defence of the Cape franchise.

79 Quoted in Klein, p 78

80 Johannesburg Joint Council, Memorandum 4, p 6. See also L M Thompson, The Cape coloured franchise, SAIRR New Africa pamphlet, p 55; and figures quoted in Union Year Book 23, 1946, chap 2, pp 47-48.

the relative increase in the African and white populations of the Cape, he could show that the fear of Africans increasing faster than whites was unfounded. His statistics gave the following results:

Table 1.1 POPULATION CHANGES IN THE CAPE 1856-1921 81

Period	White	Change	Rate	African	Change	Rate
1856-1865	119 000	73 000	6.90	220 000	93 000	4.70
1865-1875	192 000	48 000	2.50	313 000	122 000	3.90
1875-1891	240 000	140 000	3.65	435 000	100 000	1.44
1891-1904	380 000	200 000	4.05	535 000	72 000	1.04
1904-1911	580 000	2 000	0.37	607 000	33 000	0.78
1911-1921	582 000	68 000	1.17	640 000	61 000	0.95
1921-	650 000	..	..	701 000	..	..

Without challenging the reliability of the Prime Minister's facts and figures, Selope Thema attacked his logic. He said,

The danger is in about 50 years time! So in order to prevent that, the Prime Minister says the vote must be taken away! The Conference was asked to agree to the Cape vote being abolished. The Prime Minister has said he would substitute something - not because he wanted to give the Native something but because he wanted to take the Cape vote. If it were true that the Natives in the Transvaal would get the Native vote in 50 years then the Natives in the North were prepared to wait that length of time.... 82

Thema insisted that the government's idea 'was to drive Natives back to tribal conditions. They were being asked to assist the government to violate the constitution.... In this particular case they were not going to concur!'⁸³

Thema had a point. At Malmesbury Hertzog asserted,

When we consider the fact that the census of 1922 showed that there were at the time 235 000 Native children in the schools in the Cape Province and only 137 000 white children, we must realise at once what that awakening must mean to the country, namely, the handing over of white civilisation to the tender mercies of barbarism. 84

81 From Roberts, p 234

82 Minutes of Native Conference, Pretoria, 2-5 November 1926, NAC report, UG 17-27, pp 57-58

83 Ibid

84 Malmesbury speech, May 1926, quoted in J B M Hertzog, The segregation problem. Hertzog's deductions were based on figures in the Union Year Book 8 of 1922, p 976. On Hertzog's 'incontestable' statistics, Colin Tatz notes

How could the educated African be a 'danger to European civilisation', Jabavu countered, because no African could become a voter until he had attained 'the standard set for all civilised men'. This in itself meant that Africans had renounced 'barbarism' and had adopted political aspirations that suited western culture and progress.⁸⁵ If African voters 'five centuries hereafter' were numerous enough to swamp the whites, they would 'ipso facto be civilised enough to rule'.⁸⁶ Besides, he said, he had facts and figures to show that the government's education policy deliberately discriminated against Africans to impede their progress. If they carried on this course, there would be no ground for white fears. For proof he said that

the education of Europeans, Indians and Coloureds is financed on the per capita basis, of which the figures in 1924 were £17-18-6 for Europeans and £5 for Coloureds and Indians, while the Natives were given a globular sum that worked out at £2-8-5 in the Cape, £2-1-0 in Natal, £1-12-10 in the Transvaal, and 18/5 in the Orange Free State. Even allowing for the more expensive buildings and plant involved in white schools, yet the proportion is unreasonably low for the Bantu. This was noted and dilated upon by the 1923 Commission on the Finances of Provincial Education which all but asserted that the Natives were actually paying for European education. That this Commission was not far out may be proved from the present position in the Cape where up to 1925 the Union Government used to

(p 44): 'the 1922 Census showed that 235 000 African children and only 137 000 White children were at school in the Cape that year.' W G Bennie, Chief Inspector of Native Education, Cape Province, in his presidential address to the South African Association for the Advancement of Science, refutes these figures. Instead he cites the following figures on Cape African education and pupil enrolment for the last quarter of 1923: 'the number of schools was 1,611, of pupils enrolled 119,976, and of teachers 3,373, of whom 79 per cent. were fully certified.... The number of students in training was 1,777.' W G Bennie, 'The education of the native', SA Journal of Science, v 22, July 1924, p 113. Subsequent official reports show that the 1922 census figures were erroneous. See UG 40-24 and UG 37-24 for education statistics; also the annual reports of the Director of Education 1919-1923, and the Johannesburg Joint Council, Memorandum 4, In defence of the Cape franchise, p 6.

85 Quoted in Klein, p 78

86 Ibid

subsidise all Cape education on the pound for pound principle. When the Poll tax was applied for after 1925 this Province took advantage of the Poll tax allocation by a discontinuation of its old grants to Native education, applying some of this Native money to increased grants for European education. All the while the Natives continue to contribute indirectly and indistinguishably from Europeans towards the Cape Province finances under the heads of the Companies Tax, Entertainments Tax, Immovable Property Tax, Motor Tax and Transfer Duty. 87

The Joint Council was even less impressed with the statistics and the 'incontestable facts' given in the 1922 census on African education which led Hertzog to deduce that education would increase the Cape African voters in the future more rapidly than before. After studying and refuting his data they concluded,

indeed, we may go further and state that the figures upon which the Prime Minister's reasoning is based in regard to the effect of native education on the Voters' roll are so entirely at variance with the official figures that it is impossible to attach serious weight to his reasoning. 88

Professional politicians would have had reason to attach serious weight to Hertzog's thesis, however - even more so to his claim that Africans would eventually get the upper hand at the ballot box. At Smithfield he warned that

today the Cape has 51 out of 135 members. Out of that number even today the election of 12 is controlled by the Native vote and I do not know that there is a single constituency where Native votes are not polled. Consequently, the great bulk of Cape members, when it comes to matters touching the Native ... will only too often be ready to adopt a line that they would otherwise not have been prepared to adopt. The deciding factor in their attitude is not what is really in the country's interests but how they can either keep or catch the Native vote. 89

This may have been an 'exciting prospect' for the SAP, he averred. But understandably it did not augur well for the NP's political future, since the Cape Africans traditionally voted for Hertzog's opponents. So Nationalists believed

87 For detailed discussion on the amount spent on African education see NAC report 1931, UG 26-32, appendix C, pp 9-12. See also Johannesburg Joint Council, Memorandum 2: General Hertzog's solution to the native question; and 7: Summary of native disabilities (published in 1927 and 1930 respectively). Also Bennie; E H Brookes, Native education in South Africa; E G Malherbe, 'Education of the African native', Union of SA Year Book of Education, 1933, pp 601-624; Roberts.

88 Johannesburg Joint Council, Memorandum 2, p 6

89 Smithfield address, Cape Times, 14 November 1925, and Tatz, p 39

that to be sure of elections, a potentially powerful opponent would have to be eliminated.

So from a party political point of view, the NP fears were real. Yet even when the danger of the opposition gaining by the 'native vote' was removed in 1933 when the NP and SAP entered into an election coalition, the bogey of the African vote was still used – only the reason for getting rid of the African vote had changed. Hertzog then argued that

Every time that the Natives took a step forward on the road of civilisation it was felt to be making the threat worse that he eventually would overwhelm us with his numbers. We were never honest towards the Natives; not deliberately, but because we were compelled to act in that way, we could not help ourselves as long as the sword was hanging over our heads.

90

Nicholls' variation on this theme shows a striking shift of ground from the former opposition in the post-coalition era. He now openly declared that the 'Cape Native vote' was

a sham and a fraud, and that it has held back the progress of the Native people of this country, that it has dogged their footsteps by preventing them from getting the very qualifications of civilisation they need to enable them to be voters....

He continued:

I believe, insensibly, that the fear of this Native vote lies behind the minds of most Europeans in this country, and until we can get rid of that fear, Native development will never get that chance that it ought to have.

91

In 1926 the electorate were told that the Cape franchise must be abolished because the African voters in the Cape held the balance of power, and the franchise was therefore a menace to white South Africa:

On the Cape basis it must therefore be patent to all of you [Hertzog challenged] that the Cape Native franchise must be fundamentally altered unless we want to see either civil war or the White Man's ruin and that of European civilisation in South Africa.

92

In 1936 the official apologia for the Bills was that the Cape franchise was to be abolished because under the altered conditions of the day, the vote was impotent and Africans 'were unable to raise a matter of purely Native interest in the House.'⁹³

90 Joint sitting of both Houses of Parliament, Representation of Natives Bill, 13 February – 7 April 1936, JS 1–36, cols 147–154

91 Ibid, cols 19–21 quoted by Tatz, p 75

92 Smithfield address, and Tatz, p 40

93 This was a common plea by several speakers, including Hertzog during the 1936 second reading debate.

Because of this, exponents of political segregation claimed, 'honest difference of opinion on great questions will give place to a division on colour and race lines to the neglect of everything else.' Jabavu felt this was the strongest of all arguments ever advanced against the African franchise, writes Vivien Klein. Analysing Jabavu's response further, she says that

it presupposed two conditions which he and other political leaders could not accept (a) that the white man had an 'incurable hatred' for the black man (b) that black and white in South Africa were 'irreconcilable enemies'. 94

Even the expectation of political division along racial lines was without historical foundation, Jabavu pointed out. For these reasons he rejected Hertzog's claims. ⁹⁵

Besides, others argued, the Union Parliament had the power to control the African vote by framing more stringent franchise laws. Schreiner and Ramsbottom spelt this out in saying

It is only the ignorance of the majority of the voters of the actual figures that enables the more careless type of politician to put forward with such confidence the bogey of black domination. Were the facts ever to become such as to justify the view that the Native or non-European vote was likely to swamp the European, it would always be open to the still dominant Europeans to raise the qualifications for the franchise and so strengthen their position at the polls. This was done at the Cape in 1887 and again in 1892. It is certainly far and away the least unsatisfactory method of retaining power, should such power ever be jeopardised. 96

This was a good basis for questioning the 'swart gevaar', for the Cape precedent had shown how it was possible to disenfranchise Africans or devalue the African vote, either by constitutional and administrative means. ⁹⁷ The Hertzog ministry was not slow to learn from past experience in disenfranchising the Africans - they even used new methods not employed by their predecessors.

94 Klein, p 79

95 Ibid

96 O D Schreiner & W H Ramsbottom, 'The franchise' in E H Brookes *et al*, *Coming of age*, p 124. See above, p 19. F S Malan and J H Hofmeyr both suggested methods that would restrict the African franchise without tampering with the entrenched clauses. See JSC 1-35, pp 15-18.

97 See discussion above on the Parliamentary Voters' Registration Act, the Franchise and Ballot Act, and the Glen Grey Act, pp 16-18.

The final attack on the Cape franchise

Between 1929 and 1933 Hertzog sidestepped Parliament by using government powers to weaken the African vote. The analysis below tells the story, and also shows that he knew the Cape African vote could be contained without appealing to Parliament. Archibald Linton, a former member of the Cape Provincial Council, told in an article how this was done:

The Cape principle of granting the franchise without regard to colour or race, which was supposed to be enshrined and protected in the Act of Union, has already been infringed, and those members of the Parliamentary Committee who are believed to be fighting for 'equal rights for all civilised men' have largely lost the battle. 98

Three methods were used, Linton said, to reduce the value of the Cape African franchise. Granting universal suffrage for whites was one. The second was administrative disqualification of registered voters. And the third (rarely mentioned) method was through the Electoral Laws Amendment Act 35 of 1931. This Act, introduced only after whites had got universal suffrage, made new and onerous registration regulations which of course were only applicable to Africans.

Granting universal suffrage to whites only, Linton said, was a 'mere political manoeuvre'. The Cape African vote was cut from a proportion of 7½ per cent in 1929 to little more than 3 per cent in 1931 by the Women's Enfranchisement Act 18 of 1930.⁹⁹ A year later the Franchise Laws Amendment Act 41 of 1931 extended adult male suffrage to all white men in the Cape. Linton explained that

as Native and Coloured men had still to qualify under the old conditions, and Native and Coloured women were definitely excluded from the scope of these new Acts, the result has been to double the number of Europeans on the register, much of the increase among males being, of course, illiterate. 100

98 A Linton, 'The native and coloured franchise', Presbyterian Churchman, November 1933, p 236. Linton was a Port Elizabeth company director and had also been a member of the Cape Provincial Council. He had been 'engaged for the last thirty years in politics - including registration work - in the constituency which contained the largest number of native voters in the country.' These bona fides are verified in a letter written by Linton after the Minister of the Interior, J H Hofmeyr, had investigated and replied to the various charges in Linton's article. The fact that the Minister took up the matter in the first place suggests that he was sufficiently perturbed by Linton's allegations. See letter below, n 2.113.

99 For further comment see below p 42.

100 Linton, p 257. In February 1931 D F Malan, then Minister of the Interior, stated that under Act 41 of 1931 approximately 10 000 male voters would be put on the roll. House of Assembly Debates, 19 February 1931, col 599. See also Tatz, p 65.

To understand the success achieved in African disenfranchisement, we need to consider both the value of the African vote in relation to that of the whites, and the actual number disenfranchised. Tatz, in careful detail, analyses African and white registration statistics before and after the Women's Enfranchisement Act of 1930. He concludes that

the motive and opportunity was clear: this was a chance of minimising the 'feared' Black vote by doubling the White vote. 101

This Act's effect on the electorate figures Tatz shows in the following table:

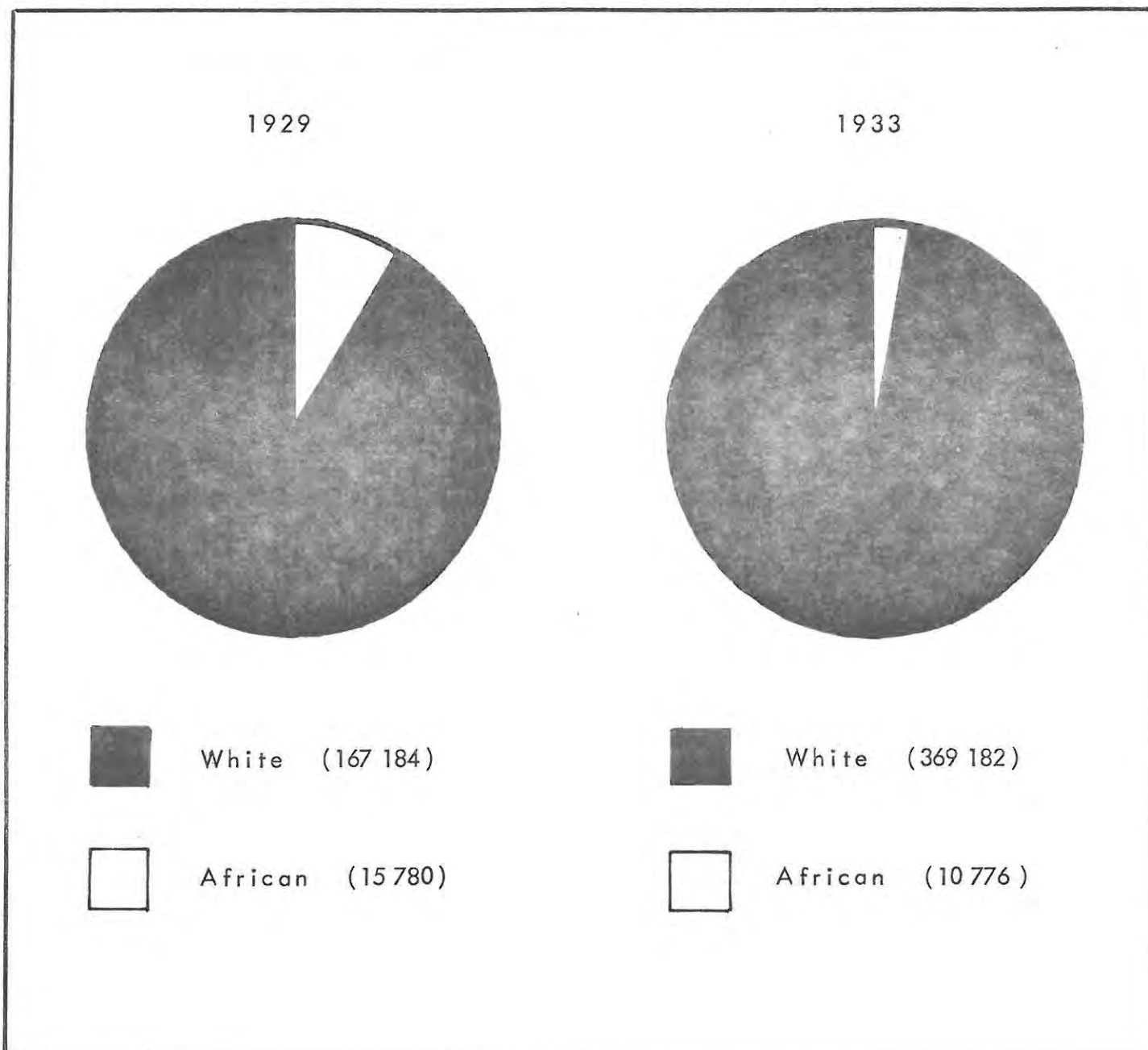
Table 1.2 VOTING STRENGTHS 1929 & 1931 102

CAPE					
	White males	White females	African males	African females	Total incl other non-white voters
	1929 Before the Women's Enfranchisement Act 18 of 1930				
Voters	167 184	-	15 780	-	208 582
% of total	80.1	-	7.5	-	
	1931 After Act 18 of 1930				
Voters	176 449	176 209	12 271	-	391 307
% of total	45.1	45.0	3.1	-	
UNION					
	1929 Before Act 18 of 1930				
Voters	410 728	-	15 780	-	452 472
% of total	90.7	-	3.5	-	
	1931 After Act 18 of 1930				
Voters	435 177	415 005	12 271	-	889 173
% of total	48.8	46.7	1.4	-	

101 Tatz, p 65

102 *Ibid*, p 64. Table compiled by Tatz from figures quoted in the Union Year Book, 13, 1930-1931, pp 70-72. See also figures from Gazette, 3 January 1936 in appendix A.3 below.

Table 1.3 DEVALUATION OF THE CAPE AFRICAN VOTE 1929 & 1933 103



Linton's figures correspond with those given by Tatz. Thus by a 'mere political manoeuvre', as Linton said, the value of the African franchise dropped from 3.1 per cent to 1.4 per cent in the Union as a whole after the enfranchisement of 414 005 women. In contrast, Linton noted, the coloured vote rose from 23 881 in 1929 to 24 698 in 1931. But Linton contended that despite this increase, coloured people also suffered from the enfranchisement of white women. He wrote:

Mr Reogan, one of the two able coloured men in the Provincial Council until this year, lost his seat, principally, he alleges, through the European female vote.

104

103 Data taken from Thompson, *The Cape coloured franchise*, p 55 and *Union Year Book* 23, 1946, pp 47-48.

104 Linton, p 258. S Reogan lost his Cape Flats seat in the 1933 Provincial elections.

The validity of this claim is hard to assess. Nor can one say whether the number of voters in Reogan's constituency would have grown if the new stringent measures had not been introduced. But certainly the enfranchisement of women and the corresponding devaluation of the African vote must have swung the vote in favour of Reogan's white opponent.

The automatic enfranchisement of about 10 000 white males under Act 41 of 1931 would have had the same effect, and even more so in Eastern Cape constituencies where, according to Macmillan, 'the problem of poverty was most acute'.¹⁰⁵

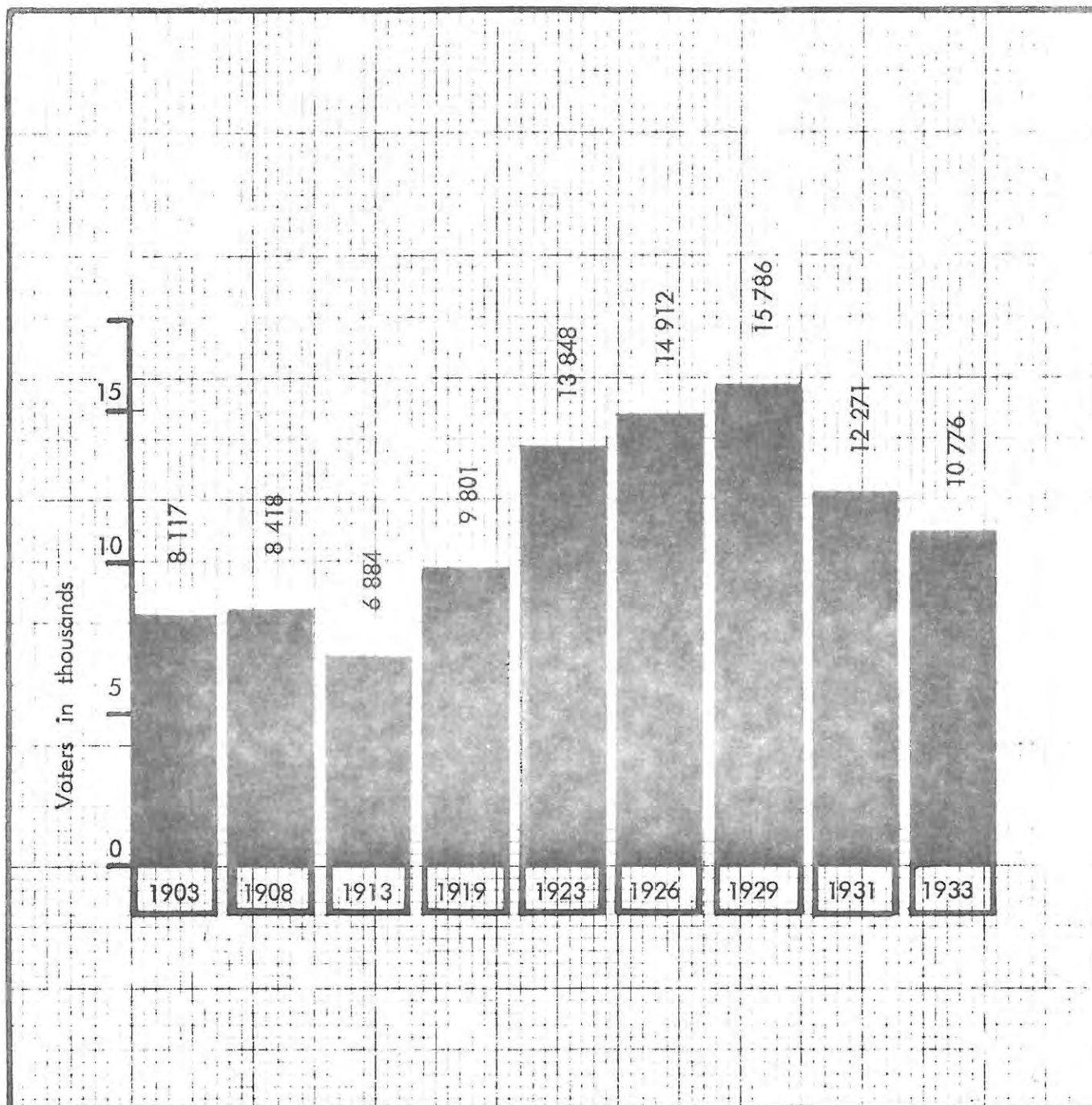
However, the actual numerical reduction of African voters was Linton's main concern. He cites the following figures. In 1929 the number of registered African voters stood at 15 780. Two years later this number had been reduced by 3 509 and stood at 12 271. By 1933 this had been reduced by a further 1 495 African voters, so that the total number of Africans on the voters' roll was 10 776.¹⁰⁶ Hence, between 1929 and 1933 just over 5 000 African registered voters - or one-third of their total - had been struck off the voters' roll. More precisely, there were 3 509 Africans disenfranchised between 1931 and 1933. This reduction in

105 10 000 was the rough figure given by D F Malan. See House of Assembly Debates, 19 February 1931, col 599, and W M Macmillan, Complex South Africa, p 57. Macmillan undertook extensive researches on the poor white problem. His findings show that it was acute in the districts stretching north and north-west towards Oudtshoorn and Graaff-Reinet, in the centre towards Prieska, and eastwards towards Uitenhage and most of the Eastern Province. D F Malan stated: 'I assure members that there are quite a number of constituencies in the Cape Province where the number of women with the franchise far exceeds the number of white male voters. In some cases the number even exceeds the number of European and non-Europeans together on the voters' roll', [sic] the implication being that once men were enfranchised in the Eastern Cape the position would be rectified.

106 Linton, p 258. See also Union Year Book 23, 1946, pp 47-48.

Table 1.4 INCREASE AND DECREASE
OF CAPE AFRICAN VOTERS 1903 - 1933

107



actual numbers occurred partly through the second method adopted by Hertzog's second ministry.

This second method Linton called as 'mean a piece of administrative chicanery as could well be devised':

The native and coloured man was still subject to the qualifications entitling him to the franchise in the Cape Colony which, until the passing of the above Acts, had operated alike for black and white for nearly 80 years. It was now discovered, in some mysterious

manner, known only to the Minister and his minions, that the way in which the Cape of Good Hope Constitution Ordinance of 1852, amended and confirmed by Order in Council (presided over by Queen Victoria) of 11th March, 1853, had been administered, was illegal. No statute of limitation in this case. 108

Quoting the operating clause of the Order in Council and the 1892 Amendment both dealing with the qualifications for the vote,¹⁰⁹ he went on to say that

for nearly 80 years it was taken for granted and acted upon that any male person in the Cape who earned £50 in a year, and possessed this meagre educational qualification [sic], was entitled to be registered as a voter. But synchronising with the introduction of European adult suffrage, it was discovered, and decreed, by the Administration, that the legal meaning of 'for the space of twelve months' was that the native and coloured voter must produce evidence that he has worked 'for the space of twelve months aforesaid'. 110

This innovation was introduced in 1931. Linton showed its effect was to disenfranchise Africans who had earned '£100 or even £200', in a personal capacity, in the previous twelve months but could only show they had been employed 10½ months of that time. Under the new scheme, he alleged, every African and coloured man

108 Linton, p 257

109 The operating clause of the Order in Council reads: 'Every male person ... who shall have been, for the space of twelve months aforesaid, really and bona fide in the receipt of salary or wages at and after the rate of not less than fifty pounds by the year, shall be entitled to be registered as a voter ... provided that no person claiming to be registered from salary or wages shall be prevented from being so registered by reason that, during the space of twelve months aforesaid, he may have been employed by different employers, in case no interval greater than one month shall have occurred between the time of his quitting one employer and the time of his taking employment with or under another employer', clause 87, Order in Council, 1853, quoted in a letter by private secretary, Minister of Interior to J D Rheinallt-Jones, 15 December 1933, Rheinallt-Jones papers, 100(a)2. Commenting on the interpretation of this clause, Linton stated: 'A break of one month will be allowed by the Registration Officer presumably in view of the fact that the Revising Court sits at a date later than registration. But the ruling and practices to-day [post-1931], is that no native or coloured man who has earned £100, or even £200 in the course of the previous twelve months can claim a vote on the wages or salary qualification, if he has only worked 10½ months during the preceding year.' Linton, p 256

110 See discussion on Sprigg's 1887 Parliamentary Registration Act above which also effected the administrative disenfranchisement of Africans - but I have found no evidence to show that employment for less than eleven months prior to registration disqualified a voter. Nor did this appear to be a criterion with the passing of the Franchise and Ballot Act in 1892. See above pp 15-16.

must bring a certificate from an employer or employers that he has been in work for at least eleven out of the preceding twelve months, and this he must do every biennial registration. Those unable to comply were automatically disenfranchised.

Linton's allegations were taken up by the South African Institute of Race Relations (SAIRR). His facts and figures were verified. In addition Rheinallt-Jones forwarded Linton's article to J H Hofmeyr, the Minister of the Interior in 1933. In a covering letter he asked for information 'upon the extracts and particularly information as to the accuracy or otherwise of Linton's statements, and motivated his request by saying that

Natives in the Cape Province frequently complain that the electoral officers are making every effort to eliminate Natives from the Voters' Roll and it would be useful if an authoritative statement could be made on the matter. 111

In reply, Hofmeyr claimed he was merely giving effect 'administratively to the provisions of the Order in Council of 1853'.¹¹²

Linton rejected this explanation. He remarked on the fact that Hofmeyr, as the new coalition Minister of the Interior, was prepared to justify the sins of his predecessor, but felt that Hofmeyr had evaded the crucial point in his article. As Linton said:

The facts and figures in my article are admitted. One other fact is adduced, namely, that the gap 'of one month in employment' constituting a disqualification, is inherent in the provision of the 1853 Order in Council, and 'all that is being done is to give administratively to the provision', and that the present procedure 'has been in force for some time'. It would be interesting to learn when this 'some time' started. I have engaged for the last thirty years in politics (including registration work) in the constituency which contained the largest number of native voters in the country, and never until compilation of the 1931 roll was the question of continuity of employment asked of anyone - white, coloured or native - so long as the registration officer was satisfied that the applicant had earned £50 during the preceding twelve months. The law (and I believe it is doubtful law) had been a dead letter for nearly 80 years. 113

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- 111 J D Rheinallt-Jones to J H Hofmeyr, 29 November 1933, Rheinallt-Jones papers, 100(a)2, carbon copy
- 112 Private secretary, Minister of the Interior, Education and Public Health to J D Rheinallt-Jones, 15 December 1933, Rheinallt-Jones papers, 100(a)2; and A Linton to J D Rheinallt-Jones, 23 January 1934. For wording of the Order in Council see above, n 1.109.
- 113 Linton to Rheinallt-Jones, 23 January 1934, p 1. It is suggested that the reaction of J H Hofmeyr, who succeeded D F Malan as Minister of the Interior in 1933, shows he was sufficiently perturbed by Linton's allegations to initiate an investigation. The facts and figures, as Linton noted, were not challenged.

'Legal subtlety and administrative pressure' was how Linton characterised a third method used to disenfranchise large numbers of African voters. Under the Electoral Laws Amendment Act 35 of 1931 - a measure entirely distinct from the Acts enfranchising men and women - the powers of people objecting to names on the provisional voters' list had been extended. This made for a considerable reduction in the numbers of Africans formerly registered. Linton contended that 'since whites required no other qualification than their white skin and to be 21 years old', these extended powers were 'aimed specifically at the coloured and native'. Three innovations he objected to particularly. First, that 'costs may be given against the claimant if the "objection is, in his (the magistrate's) opinion, well-founded"'. Second, that 'costs may be given against the objector if the objection is regarded as "frivolous". And third, that 'if the objection is on educational grounds, then the claimant must appear personally before the court'.¹¹⁴

Linton as an active registration officer could prove his claim empirically:

Why was it revived administratively if for no other purpose than to diminish native and coloured representation, and particularly in constituencies where it exercised some influence? Were Registration Officers in their 'Instructions and Time-Table' not advised that a considerable number of persons were enrolled who were not qualified for registration? Did not Malan, who was at the head of the Department in 1931, indicate his intentions when speaking on the second reading of the Electoral Laws Amendment Act, in 1931? 115

On that occasion Malan had said that

there are now large and increasing locations in the neighbourhood of all big towns, while natives who are looking for work on the countryside are also increasing. All are potential voters, and many have actually obtained the franchise. 116

Such evidence abounds. Linton was certainly correct when he said there had been a concerted attack on the Cape African franchise. What is even more notable is how successful this attack in fact was.

Linton's research into the disenfranchised in the larger constituencies gives an authentic picture, for example in the Paarl constituency where 394 objections were lodged. The five sittings in the Paarl magistrate's court were

114 Linton, p 257. These innovations should be compared with the objections raised in the *Alice Times*, 1 April 1887, cited earlier, p 17. Then the safeguard was that the objector was liable for costs. This the whites found unacceptable because the 'worry and cost' deterred many from lodging objections.

115 Linton to Rheinallt-Jones, 23 January 1934, p 3

116 House of Assembly Debates, 2 March 1931, col 986

held over a period of two to three weeks, according to Linton, and he explained how 285 Africans were struck off the roll in this constituency:

On the first day over 250 of the objected-to appeared, over 60 of whom were from Fransch Hoek 17 miles away, whose cases were not called. Most of the objections were dismissed. The Court adjourned until later on in the week. On the second day about 100 turned up, but few appeared.

117

Reports from several other constituencies began to show an alarming decrease. Comments appeared in the African press as early as December 1931. Umteteli Wa Bantu wrote of the 'farical revision courts' the government was using to reduce the African vote.¹¹⁸ Imvo reported an incident where in one constituency objections were raised against 423 names and although only 12 were disqualified, the whole process involved Africans in travelling expenses, legal fees and the risk of losing their jobs while out defending their vote.¹¹⁹

In fact such a state of affairs had been predicted when the Electoral Laws Amendment Bill was under discussion. R W Bowen (Cape Town (Central)), one of many MPs who dwelt on the point, challenged that

I think it is horribly unfair to allow the whole of the non-European vote to be objected to. Do we want to multiply instances of the kind given by the hon. member for Aliwal North (Mr Sephton), who has told us how 480 odd voters were challenged by the Nationalist party, only eight of which were disqualified? These people can't afford to sacrifice one or two or three days' wages for the purpose of appearing at these electoral courts to maintain their right to be on the roll. The result will be that their names will be removed owing to their non appearance. I say that this is a shame, and I ask the Minister to reconsider placing the responsibility upon these people of appearing before the court if they wish to retain their votes.

120

Leslie Blackwell (Bezuidenhout), a member of the Select Committee appointed to revise the electoral laws, focussed on the dangers inherent in the proposed Amendment:

Here is the syllogism: only native or coloured would-be voters must possess these qualifications; anybody who must possess these qualifications and against whom objection is taken must, once objection is taken, appear personally and prove he has the qualifications;

117 Linton to Rheinallt-Jones, 23 January 1934, p 3

118 Umteteli Wa Bantu, 26 December 1931

119 Imvo Zabantsundu, 26 December 1931

120 R W Bowen (SAP), debate on the Electoral Laws Amendment Bill, House of Assembly Debates, 21 May 1931, col 4128

therefore the onus is cast on them, and only on them; and there can be no escape from the way I have put it. I ask the Minister of the Interior whether he has never heard of en bloc objections being taken in particular constituencies to the whole body of native and coloured voters. If he had not heard of that being done, I will tell him that it has been done, and he is opening the flood-gates wide for party agents in the future to pick out every coloured and native voter on the lists, and to object to the lot. . . . Now the Minister has made the mistake of watering down his costs clause by inserting in section 19 that costs will only be given where the objection is found to be frivolous. That means that costs will never be given. We object most strongly to the insertion of this word 'frivolous'. If there were a penalty as regards costs, then there might be some protection, but I point out to the Minister that in his Bill, as drafted, he puts a premium on the wholesale objections by anybody and everybody, and he does his best to remove any safeguard on behalf of the person concerned.

121

Hofmeyr refused to accept that the reductions had followed the implementation of the more stringent electoral laws. According to him there were two main reasons for this decline: the urban Africans' loss 'of interest in the franchise with the disappearance of the privilege of purchasing liquor which native voters formerly enjoyed'; and he saw the depression and the government's 'civilised labour policy' as principal causes for thousands of Africans failing to qualify.¹²²

Hofmeyr's reply evoked comment again from Linton. On the liquor allegation he wrote that

this will not hold water. The Bill was first published early in 1926. It was promulgated in July, 1928. Total prohibition came into force on 1st January, 1929. Natives on the roll at 1st August, 1929, numbered 15 870, which number increased to 16 177 at 28th February, 1930, - fourteen months after the Act had been in force. Such an attempt to explain a reduction to 12 271 in 1931 is futile.

123

On the second count, Linton's facts and figures showed up just how weak Hofmeyr's argument was. To take just one example:

I will deal with Port Elizabeth, which I know. The corrected and carefully correlated figures of the Municipal Health Dept. show that there were more aboriginal natives resident in the district in 1931. The number employed regularly by the Municipality was larger, and their wages had not been reduced. There was no general reduction of wages by business houses until after 1931. It is true that the Government's white labour policy did affect employment on the Railways. But giving fullest credit for this, does

121 L Blackwell (SAP), *ibid*, col 4115

122 Private secretary, Minister of the Interior to Rheinallt-Jones, 15 December 1933, p 2

123 Linton to Rheinallt-Jones, 23 January 1934, p 4

anyone believe it accounts for more than a fraction on the reduction of over 60% - from 2 085 to 814 in Port Elizabeth (North), and over 50% - from 1 109 to 529 - in East London (North)? 124

Again the validity of Hofmeyr's argument is suspect: for the depression must surely have depressed the incomes of coloured and white male voters as well. In 1931 coloureds and whites were still subject to the same income and property qualifications as Africans. Since they were not immune from the depression the figures for these two groups should also have decreased, yet this did not happen.¹²⁵

Hence many of the problems Linton described were foreseen and debated at length before the voting laws were revised. As predicted, thousands of Africans lost their vote by default. In the four constituencies with the largest number of registered voters - East London, Port Elizabeth, Tembuland and King William's Town - a total of 2 239 Africans were disenfranchised between 1931 and 1933. The other 1 270 out of the combined total of 3 509 Africans whose names were struck off the roll during the same period were spread out over the remaining 54 constituencies in the Cape.¹²⁶ On this evidence alone one could say that the government was deliberately working at a selective disenfranchisement.

These methods - coupled with the restrictions introduced to prevent Africans advancing materially and getting better jobs - controlled the increase in Africans qualifying to vote. The government could have staved off wide African enfranchisement even longer than the 50 years Hertzog specified in his Smithfield address.

By selective disenfranchisement the balance of power in favour of the SAP could also have been corrected. The move to deny Africans freehold property rights in Cape municipal elections would have done the same. As Bowen predicted, the NP would stop at nothing to get rid of the African vote. He interpreted their motives thus:

124 *Ibid*

125 The white vote actually decreased between 1927 and 1929 from 173 291 to 167 184. Then women in the Cape swelled the white total to 352 658 in 1931, and 70 000 men were added to this figure in 1933. In the same period the coloured people's vote rose from 23 881 in 1929 to 24 698 in 1931 - see above, p 28. The question of police harassment of the ANC at this time could also have accounted for voter apathy, but not to the extent of a 5 704 voter drop from the peak figure of 16 481 in 1927 to the lowest since 1919 when there had been a mere 9 803 voters. For further details on voting figures, see appendix A.1 below.

126 Linton to Rheinallt-Jones, 23 January 1934, p 5

I feel that the Minister has assumed that the colour of a man's skin is an indication of the manner in which he will in all subsequent elections exercise his vote. I feel that the Minister and the party behind him have come to the opinion that the non-European vote is a factor which in all future circumstances, will weigh against his party and he has allowed his prejudices and his zeal of sincerity to do all that he possibly can to eliminate the coloured vote.

127

By 1932 Hertzog had certainly succeeded in preventing the feared 'hordes of African voters' from swamping the whites. The success and significance of this was summed up by a former Minister of Native Affairs, H Burton, in his remark that while the Joint Select Committee was still deliberating the form of the future African franchise, 'the Prime Minister has been allowed to seize the whole fortress by a flank attack'.¹²⁸

This is just what happened. Meanwhile the Joint Select Committee had been given a choice of ways to reduce the real value of the Cape African vote. As Hofmeyr must have argued when he suggested that the African vote be pegged at 10 per cent,¹²⁹ the power to determine the Africans' right to vote rested entirely in the hands of an all-white Parliament. Just as long as the complete abolition of the franchise was not contemplated, the government had no need to resort to a legal way out of their difficulty.

Hertzog's uncompromising stand and the hopelessness of the Africans' cause was clear to Duma Gude. Not blinded as many liberals were, he appraised the situation thus:

The first Bill is called 'The Natives Parliamentary Representation' Bill.

Is this ironical? The main object of the Bill is to deprive the Natives forever of any representation in the House of Assembly and to give them a mere ghost of representation in the Senate.

In the Joint Committee on the subject the Prime Minister moved 'That the Committee disapproves of the principle of common representation in Parliament for Europeans and Natives'.

... in future 'no native ... shall be enrolled on any list or roll of parliamentary voters' and so the words 'Abandon Hope. Ye may not enter here' is to be written for the Native on the gates of Parliament.

127 House of Assembly Debates, 21 May 1931, col 4128

128 H Burton, Non-Racial Franchise Association address, 28 January 1932 quoted by D Molteno, The betrayal of 'natives' representation', SAIRR pamphlet, p 7

129 Supplement JSC 1-35, 9 May 1930, p 19

This will of course not be accepted without a long and bitter struggle by Native and European supporters till finally, if it be a hundred years hence, the inscription is removed.

130

An assessment and unanswered questions

Hertzog may have been prepared to compromise at the time of Union, but certainly not by 1924. Why did he alienate the Africans for the sake of 10 000 votes? It could not have been simply the fear that Africans 50 years hence could demand the vote in the northern provinces; it could not have been the extra voting strength it gave the opposition, since the parties had united by 1933; it could not have been the fear of being 'swamped'. All this was known at the time, as can be seen from how the apologists for the Franchise Bill changed their arguments. By 1933 the Bills were justified as 'being helpful to the native' rather than saving whites from menace. But if the franchise was so innocuous, the Africans challenged, why did the government wish to abolish it?

The statements made by Africans - who after all stood to lose by Hertzog's policy - enable us to re-evaluate Hertzog's fears, and those of whites generally, from an entirely different angle. The position of the poor whites vis-à-vis their more progressive educated African counterparts appears to have frightened many whites. As Dr A B Xuma challenged:

What are these Bills for? 'To solve the Native problem once and for all', we are told. How? By taking away the Cape franchise.... Why is this necessary? Has the African ever abused the privilege? No, that is just the reason, he uses it so intelligently that he becomes a factor to be reckoned with in those constituencies where he exercises the right....

The Union Parliament would have a clear coast to establish a 'White South Africa' if they could remove this last stumbling block, the 'Cape Franchise', and thus consummate their unparalleled and unexcelled series of colour bars....

131

Or as Sakwe, a registered Cape voter, wrote:

It would take too long to recapitulate the privileges due to the franchise. Their progress was largely due to this. They told their children to learn, to build better houses and to be thrifty, all with the object of getting the vote so as to escape the curfew regulations, be able to walk on pavements, and gain the respect of others.

132

130 Gude

131 Xuma, p 224. Dr Xuma, a physician, became President-General of the ANC from 1940 to 1949.

132 Minutes of Native Conference, November 1926, UG 17-27, p 55

Contrast this with a statement by R H Brand, whom Xuma quotes to show the injustice of the approved policy and practice of universal manhood suffrage.

Brand wrote:

One may freely admit that a great deal of our South African opinion is ignorant, unintelligent, and crude. The man in the street and the man on the veld seldom realise even the elements of the stupendous problem with which they are faced. The policy which attracts them is often one of simple repression. 133

'This simple creed of the average white man' was translated into repressive legislation, which Xuma characterised thus:

Take away ... from the Native the land which he possesses, and there will be more compulsion for him to work for the White man (hence the Land Act of 1913). Do not educate him, or else he will become too independent (hence no adequate budget for Native education). Keep him in his place. 134

The white electorate was ignorant and hence susceptible to fear-mongering. But as Xuma suggested here, there were other pressures that would predispose them to believe what they were told. There is little doubt that it was anathema to Hertzog and his supporters that Africans in the Cape could vote; that this right to vote conferred special privileges on the Cape Africans exclusively and in so doing threatened to undermine the traditional master-servant relationship. Most whites would have been extremely relieved to see the Cape franchise go.

But for others not so threatened, they were prepared to let the politicians cultivate the fears that suited them. This was partly because it was in their interests to keep Africans 'at the mercy of those who alone exercised' the right to vote, as Xuma put it, for then

a class excluded from all share in political power is condemned to permanent subordination. It becomes a servant of the interests of others, having no share or partnership in a common life. 135

These few selected statements raise other questions, in particular the issues of land, labour and the poor whites. The next chapters examine how and to what extent these issues were linked to the franchise question and the 'danger complex'. At the same time we shall be assessing how the segregation policy was an attempt to meet sectional demands.

133 R H Brand, *The Union of South Africa* quoted by A B Xuma, 'Bridging the gap ...', p 224

134 *Ibid*

135 *Ibid*

2 THE SEGREGATION FALLACY

The origins of the segregation fallacy

Segregation and the Cape tradition

Segregation and the Free State tradition

Hertzog's land Bills : segregation abandoned

Cutting down the promised land

Development or underdevelopment of the reserves?

Hertzog's land policy objectives reassessed

The origins of the segregation fallacy

There were several attempts to formulate a land policy after Union. How did these originate?

It has been traditionally accepted that both the 1913 Natives' Land Act and Hertzog's supplementary land Bills, included as part of the 1926 'Native policy' package deal, began with SANAC in 1905 because their report recommended

that the time has arrived when the lands dedicated and set apart, as locations, reserves or otherwise, should be defined, delimited, and reserved for Natives by legislative enactment

1

A detailed examination of their land proposals, which includes squatting, segregated reserves and land tenure, reveals that the Lagden commissioners were biased in favour of the extant Cape practice. Their final proposals reflect this. The Natives' Land Act of 1913 in its final form was piloted through Parliament by an acknowledged champion of the 'Cape Liberal' tradition, J W Sauer. This Act in its turn was also a Cape product. But the origins of Hertzog's Natives' Land Act (1913) Amendment Bill are different. In it Boer republican traditions are dominant. These differences are clear to see when the policy of territorial segregation is examined in detail.²

When Africans and whites first met in the late eighteenth century, the authorities tried to impose complete segregation in the interests of peace. At the time, before either race had developed an economic dependence on the other and while Africans, like whites, still had an independent territorial base, a policy of separation might have had a chance of succeeding. A boundary might have been fixed between them that neither would cross save by special permission. The relationship might have been that of two mutually independent states.

But by the middle of the nineteenth century, it was too late. The colonial government had either connived at breaches of its own regulations or it had rescinded its legislation to allow Africans to meet the labour demands of the white settlers. Hand in hand with economic expansion and absorption went, partly as cause, partly as result, a territorial absorption of black by white.

1 SANAC report 1903-1905, v 4, para 191 quoted by C Tatz, Shadow and substance in South Africa, p 10. See also T R H Davenport & K S Hunt, The right to the land, doc 66.

2 For different policies to solve the squatting problem see chaps 4 and 5.

After the middle of the century, although white expansion had not reached its limits, the policy of segregation was abandoned in theory, as it had long been in practice. Margaret Ballinger writes on this phase:

while one party would not, the other could not live within the confines imposed upon it, and while each pressed upon the boundary, the stronger overrode it, not merely because of its superior physical strength but because the weaker party early declared its willingness to find new means of existence among the newcomers, and so to accommodate itself to the conditions of a new society.

3

Colin Bundy supports this view. He argues 'that African cultivators responded to economic stimuli and pressures' to a considerably greater extent than has hitherto been realised.' At one level the African response 'equalled or excelled that of the white cultivators',⁴ while at a second 'the response was nowhere maintained or consolidated'. On the contrary, Bundy asserts, 'peasant progress gave way to privation, shortfall, and failure'.⁵ In other words, while the whites pressed forward into the territory of the Africans, the Africans pressed forward into the economic life of the whites. But while one group extended their sovereignty, the other lost their independence.

The process of 'growth and decay' in peasant communities is fully explained by Bundy and others. Their researches show that decay set in as the African reserves became progressively impoverished and the Africans more and

3 Native Economic Commission (NEC) 1930-1932, typescript evidence of Margaret Hodgson (later Margaret Ballinger). In 1930 Parliament approved the first major commission since Union to investigate the whole socio-economic position of Africans. The evidence and findings of this commission have been used extensively in this dissertation. The University of South Africa (UNISA) houses the unpublished typescript and oral evidence, the latter recorded verbatim, and I was fortunate in having had access to these records. The oral evidence numbers 9224 pages, from 116 public sessions held throughout the country over a two-year period 1930-1931. Members of the commission: J E Holloway (chairman), R W Anderson, H C M Fourie, A M Mostert, A W Roberts, P W le R van Niekerk and F A W Lucas. All members signed the majority report. Lucas however signed subject to additions and reservations contained in a lengthy addendum to the report, paras A1-A358, pp 173-228. (Since not all pages of the typescript of evidence were numbered in the records lodged with UNISA, page references have been omitted here. The date of the sitting has been used when referring to the oral evidence.)

4 Colin Bundy, 'The response of African peasants in the Cape to economic changes, 1870-1910: A study in growth and decay', unpub ICS seminar paper, v 3, 16, p 1

5 Ibid

more dependent on the developed white sector economy.⁶ The last decade of the nineteenth century marks a high water mark in this process, for, as the discussion will show, from this time until 1936 a policy of underdevelopment⁷ in the reserves was supported by the majority of whites.

In the early 1890s the demand for labour began to outstrip the supply. The mines' demand for labour increased with the proving of the deep levels and the discovery of the cyanide process for gold-refining. Farmers found that, as their markets expanded, so did their need for labour. Public service demands for road, railway and harbour construction added to the pressure. In consequence the Africans enjoyed a strong bargaining position in the labour market. It was not fortuitous, therefore, that a spate of legislation and innovations hit the four states between 1894 and 1910. All were explicitly designed to swell and redistribute the labour supply while keeping wages down as far as possible. The different governments revealed their attitude to the Africans by legislation designed to force them to serve the interests of their new masters.

6 Colin Bundy, 'Passing through a period of stress', unpub seminar paper, Oxford, 1974; W Beinart, 'Economic change in Pondoland in the 19th century', unpub ICS seminar paper, v 7, 21; M Legassick, 'Development and underdevelopment in South Africa', unpub seminar paper, London, 1970; G Arrighi, 'Labour supplies in historical perspective ...' in G Arrighi & J S Saul, Essays on the political economy of Africa; E A Brett, Colonialism and underdevelopment in East Africa. See also n 2.101.

7 On the concept of 'underdevelopment' Brett states: 'it is important that we do not confuse the idea of "undevelopment" with that of "underdevelopment". The former describes the state of a country or people who are living in a subsistence economy cut off from significant trade with the outside world. "Underdevelopment" is a state of poverty and reliance engendered by the unequal relations between a Capitalist "developed" and an "underdeveloped" economy. What marks the latter off from the former is that the surplus product is not being used to the benefit of the local people, but being drawn off for the benefit of the "developed sector". The result of "underdevelopment" then is an increasing and ever worsening state of dependency and poverty.' This is how the concept of 'underdevelopment' is being used here. Brett, p 18. For further discussion see pp 90-91.

Segregation and the Cape tradition

The Cape Glen Grey Act of 1894, with its division of the land of that district into surveyed private holdings, was intended to limit the numbers the land could carry and thus indirectly to force the surplus into the capitalist sector. A 10/- labour tax on men who could not prove they had been in bona fide wage employment for at least three months in the year speaks for itself. The imposition of a £2 labour tax in the Transvaal in the following year, coupled with earlier attempts on the part of the republican authorities to prevent labour leaving the republic for other centres were also measures designed to increase the labour supply. In each state revised squatter laws and master and servant laws appeared on the statute book.⁸ The value of the labourer had increased with the increasing economic development of the country and the white colonist was determined that that value should be realised, 'if not by persuasion, then by force'.⁹

Of all the various methods used, the Glen Grey system proved the most efficient. The success of Rhodes's system was that it increased the government's control over Africans in Glen Grey and other districts surveyed under the Act. This control was strengthened by ensuring that 'headmen in the pay of the Government' would serve on councils created under the same Act. The headmen would be responsible not only for levying taxes for local development, but also for collecting government ones. Secondly, the survey and distribution of four morgen allotments under individual title 'was hardly sufficient for an economic peasant holding, but small enough to impose severe restrictions on squatting'.¹⁰ The precise rules of hereditary succession on the basis of primogeniture and prohibitions imposed on the alienation of land without special permission had two results. Rhodes ensured an ever-increasing labour force, for in each generation all but one member of the family would be made landless; and by declaring the surveyed lands inalienable, Rhodes 'cut right across the aims of the Bond ... [but] incorporated the views of the Opposition regarding "the desirability of retaining the

8 See Davenport & Hunt, p 33 and documents 90 and 95; Shula Marks, *Reluctant rebellion*, chap 5; A M Keppel-Jones, 'Land and agriculture outside the reserves', *Handbook*, pp 192-198; Colin Bundy, 'The abolition of the Masters and Servants Act', *SA Labour Bulletin*, v 2, 1, May-June 1975, pp 37-46; and chap 4 below for discussion on squatters and labour taxes.

9 NEC 1930-1932, typescript evidence of Margaret Hodgson

10 T R H Davenport, 'The Afrikaner Bond', unpub PhD thesis, University of Cape Town (UCT), 1960, p 330

reserves for Native occupation".¹¹ The process towards the reinstatement of the segregation principle had begun.

In short, the principle of segregating Africans in restricted demarcated reserves, with the added proviso of uneconomic individual allotments, began to take shape under the Rhodes ministry - a decade before SANAC published its recommendations. The revised Private Locations Act of 1899, also a Cape measure, dealt with the problem of squatting and was used as a model by this same commission.¹² Even the first link between the segregation of Africans in their own areas with the removal of Africans from the white political system was forged at this time, since to destroy tribal landholding, tribal government also had to be destroyed. Part 3 of the Glen Grey Act moreover included provisions that R W Rose-Innes, a King William's Town lawyer, described as a 'purge of the voters' roll'.¹³ For land allotted in individual tenure under the provisions of the Act was to be deemed, for the purpose of parliamentary registration, to be held under communal tenure, and its owners thus disqualified from being able to fulfil the proprietary conditions for the franchise. Commenting on the simultaneous opportunity given the Glen Grey Africans to operate local self-government at the divisional council level, Davenport notes:

This was some compensation for the limitation on their franchise rights imposed in Part 111, and it offered something very different from the notion of a separate roll for Africans ... and the idea of a completely separate naturellenraad for the Transkei and the Colony, which had received the approval of the Bond congress in 1886.

14

In an address in 1903 on the Glen Grey Act and the native question, R W Rose-Innes discussed the segregation of the races, the policy of the future, and the franchise and party politics. On these two aspects - segregation and the franchise - he had this to say:

The principles of the Act necessarily involve the creation of purely Native reserves or areas from which Europeans are excluded by purchase or otherwise. This principle must be maintained against every species of opposition. That it will be assailed is certain, and the supporters of it will have to maintain it in its integrity in many a fight yet to come. We shall in time be compelled to create more of such areas (as those created in Glen Grey and the

11 Ibid

12 See chap 4.

13 Davenport. 'The Afrikaner Bond', p 330. On the franchise provisions and the Glen Grey Act see above p 18.

14 Ibid

surveyed districts of the Transkei) as 'reservoirs of labour' and homes for these people into which the Native will be free to come and go. He requires this for his sake and we require it for our own.

The segregation of the races within certain limits and under safeguards, but without compulsion, is the policy to aim at for the future. The Native must have land, and it must be in larger pieces than the small plots allotted to him, and upon which he builds his hut in a Town Location These [large Native Reservations] should grow into great Native states or colonies under the direction of British Officials but with large powers of self-government and with representation in due time in the Federal Parliament of the confederated states of South Africa.

15

These were not the words of a conservative, but the considered opinion of an acknowledged champion of African rights and the 'Cape Liberal' tradition. Rose-Innes was speaking a full eight years after the Glen Grey Act was passed, and he volunteered:

The Act has been tested by the experience of eight years and has more than justified every hope concerning it in the interests of the Natives. C. J. Rhodes has done much for South Africa, but it may be found that one of the greatest benefits he conferred upon this land of mixed peoples and race was his conception, initiation and application of the Glen Grey enactment.

16

Rose-Innes's paper was supplied to SANAC in 1903. The SANAC report is strikingly like his paper in ideas and even in language at times. It seems they were influenced by the positive attitude of Rose-Innes and other 'Cape Liberals' to the Glen Grey system. Then, Glen Grey influenced J W Sauer in his drafting of the Natives' Land Act of 1913. Later F S Malan, another eminent Cape leader, helped design a system of local councils based on the Glen Grey Act. These councils were first incorporated by General Botha in the ill-fated Native Administration Bill of 1917. Even though all the other provisions under the 1917 Bill were shelved, the council system became accepted policy under

15 R W Rose-Innes, *The Glen Grey Act and the native question*, pp 33-35. The frontispiece identifies the work as 'A paper read before the King William's Town Debating Society and later at Queenstown and at East London, copies whereof were supplied to the inter-South African Commission on Native Affairs, now sitting and deliberating on the Native Question, 1903.' The *Daily Dispatch*, 27 October 1936, records that this pamphlet was republished in 1936 'in response to many requests'. In the preface to the republished edition Rose-Innes noted: 'the interest and value of the pamphlet is due to the accuracy of its forecasts.' The forecasts relate to the trusteeship policy as formulated in 1936.

16 *Ibid*, pp 13-14

Smuts's Native Affairs Act in 1920.¹⁷

The Cape connection on this evidence cannot be ignored in an analysis of post-Union land policy, but then neither can land measures in the republican tradition. This latter contention is especially true of Hertzog's land policy objectives.

Segregation and the Free State tradition

Hertzog, it appears, worked to get a uniform 'native policy' along Free State lines. The most vociferous exponent of this idea was Sol Plaatje. Plaatje, a founder member of the SA Native National Congress (SANNC), was raised and experienced in Free State law and tradition. Soon after the Natives' Land Act in 1913 he predicted the future course of the government's race policy by arguing that the ex-republicans feared the spread of the Cape Liberal tradition and would do all they could towards entrenching the Northern tradition. He also argued that Hertzog would not be content to limit group areas to the rural sector alone; and that he would not be satisfied until the "'Free' State Law' ruled the Union and applied eventually to the urban Africans as well. A decade before any urban legislation Plaatje wrote:

today we have, extended throughout the Union of South Africa, a 'Free' State law, which makes it illegal for Natives to live on farms except as servants in the employ of Europeans. There is another 'Free' State law, under which no Native may live in a municipal area or own property in urban localities. He can only live in the town as a servant in the employ of a European. And if the followers of General Hertzog are permitted to dragoon the Union Government into enforcing 'Free' State ideals against the Natives of the Union, as they have successfully done under the Natives' Land Act, it will only be a matter of time before we have a Natives' Urban Act enforced throughout South Africa.

18

Free Staters had always opposed the idea of extending the reserves. Brotz argues: 'White farmers were antagonistic to the idea of segregated reserves,

17 The question of local representation is discussed in chaps 1 and 3. For the influence of F S Malan on the formulation of the Union's 'native policy', see P Kallaway, 'F S Malan, the Cape Liberal tradition and South African politics 1908-1924', *Journal of African History*, v 15, 1, 1974, pp 113-124.

18 S Plaatje, *Native life in South Africa*, pp 25-27. For origins of urban segregation see T R H Davenport, 'The beginnings of urban segregation in South Africa', *The Natives' (Urban Areas) Act of 1923 and its background*, Institute for Social and Economic Research (ISER), Rhodes University, occasional paper 15, 1971; and chap 8 below.

except as places to locate Africans who were surplus to their labour requirements.¹⁹ He quotes Reitz who 'attacked the reserves as "the prop of despotic chieftainship", and a social system which permitted the enslavement of women by men who were too proud to work but not too proud to steal.'²⁰ Webb, on Reitz's views of 'Native policy', writes:

It is arguable indeed that the case presented by Reitz was a generalisation based upon limited experience, and that the white supremacist but non-segregationist system he advocated was simply that in operation in the Free State, where a small African population was held in subordination as a thinly scattered labour force spread over hundreds of white farms.

21

This white supremacist, non-segregationist attitude persisted and continued to colour and shape Free State views. Africans in their thousands were to be drawn into the agricultural life of whites, but as servants only, and the simplest way to do this in Free State terms, writes Welsh, 'was to cause the destruction of African traditionalism'.²²

The Free Staters could afford to be non-segregationist because the farmers had a convenient labour pool in the adjacent Basutoland protectorate (Lesotho, as it is known today). In these circumstances they vehemently opposed the provisions under the 1913 Land Act which contemplated the release of land in each province sufficient for Africans' needs and proceeded to express this objection by rejecting a considerable part of the 1916 Beaumont recommendations. The existence of this convenient labour pool and the subsequent reduction of the Free State land quota was commented on by Herbst in his NAD report for 1926:

This would explain the comparatively small area of 74 291 morgen consisting of the three native reserves, scheduled under the Natives' Land Act. The Bill proposed an addition of 148 316 morgen as native areas, whilst the recommendations of the Free State Local Committee proposed 79 343 morgen of supplementary land which is already exclusively occupied by natives.

23

The fact that even the reduced 79 343 morgen was already 'exclusively occupied by natives', dispelled any illusion that the Free Staters were surrendering land for either the resettlement of evicted squatters or the relief of Africans settled

19 Quoted by H Brotz, *The politics of South Africa*, p 57

20 *Ibid*

21 C de B Webb (ed), 'Reitz-Shepstone correspondence 1891-1892', *Natalia*, 2, September 1972, p 8

22 D Welsh, 'The cultural dimension of apartheid', *African Affairs*, v 71, 282, January 1972, p 37

23 UG 14-27, p 6. For discussion on areas to be released under the 1917 Bill see pp 73-83, and see table 2.1 and appendix B.4(a).

in the congested reserves of Witzieshoek and Thaba 'Nchu.

If Hertzog identified with the majority of Free Staters in their opposition to the establishment of large segregated reserves, then contrary to what he liked people to believe, he was merely paying lip service to the segregation ideal. An examination of Hertzog's 1926 land proposals suggests that this was in fact the case.

Hertzog's land Bills: segregation abandoned

A comparison of the Natives' Land Act (1913) Amendment Bill 1927, and the Natives' Land (Amendment) Bill 1929, with the Principal Act, the Natives' Land Act 27 of 1913, shows Hertzog had in fact abandoned the principle of territorial segregation. In the first place the two Amendment Bills repealed clause 1.1.(a) of the 1913 Act. This clause had prevented Africans from hiring, leasing or purchasing land outside the 10¼ million morgen scheduled as reserves in 1913. Despite the lifting of these restrictions the Africans' position was not improved: if anything, it deteriorated. The areas scheduled for release in 1926 were potentially mixed areas, which meant that Africans were left exposed to white competition in the released areas without being granted any right to buy land elsewhere. In 1913 it had been laid down that the areas to be released would be reserved exclusively for Africans. In 1926 this was no longer so. Hertzog confirmed this change in policy at a farmers' conference in Pretoria on 18 August 1926 when he said:

In 1913 the idea had been scouted [accepted?] of declaring certain large areas as Native areas, but it would retard Native development if the area were purely black.

24

Secondly, both the released areas and the existing reserves were already congested. In his 1926 report the Secretary for Native Affairs analysed the areas to be released and commented:

It is perhaps superfluous to remark that the native reserves supplemented by the proposed released areas could not absorb and maintain the native population resident in European areas, nor is any such translocation intended.

25

Discussing the country's labour difficulties, Herbst admits that the government

24 UG 14-27, p 6, and Johannesburg Joint Council, Memorandum 1, Natives' Land Act, 1913, Amendment Bill 1927, p 5; and Cape Times, 10 November 1926

25 UG 14-27, p 7. For further detail on inadequacy of the reserves see pp 84-94.

had no intention of providing enough land for landless Africans for the resettlement of either African squatters or redundant workers from the urban areas. White economic interests precluded such a solution. He rationalised:

It is impossible for the native population of the country to maintain itself solely by cultivation of the soil, and indeed there is no land available anywhere in South Africa to allow of an effective and comprehensive policy of "back to the land". If the mines of the Witwatersrand were closed down thousands of native families would call upon the Government for food. In the circumstances of the present time it is absolutely necessary that the natives be allowed admission to the fields of industrial employment in European areas. 26

Thirdly, even in areas where Africans were permitted to buy, this right was limited. For example, large-scale purchase of land by Africans was not envisaged as new restrictions were introduced to prevent this. As had been proposed under the Native Administration Bill in 1917, land could be bought only in areas contiguous to the existing reserves. This was ostensibly to preserve the principle of territorial segregation, but it is clear from the evidence that white farmers were fearful that their land would depreciate in value if Africans were permitted to buy land amongst them.²⁷ It was this rather than any belief that total segregation should be aimed at, that led to the inclusion of this clause.²⁸ Land options open to Africans in these contiguous areas already carried a large African population - this would be another limiting factor. The Bills furthermore prohibited any 'association or aggregation of natives, other than a recognised tribe' from buying in co-operation. In this way detribalised Africans were to be barred from purchasing land in groups larger than ten.²⁹ The latter would then still have to put their case to the Governor-General if they wished to get land for a group of Africans on land outside their tribal area.

Fourthly, land was to be sold, not given. Hertzog was unequivocal on this point:

26 UG 14-27, p 18

27 For farmers' attitudes on land purchase by Africans see pp 81-83 and chap 5.

28 The measures also contained 'prohibitions against the acquisition of isolated land in released areas' by whites so that consolidated bases of African land could expand by absorbing adjacent white-owned land to become continuous 'native areas'. To this extent competitive buying was restricted and the principle of consolidation conceded. See cl 1.1.3 of 1927 and 1929 Bills.

29 See H Rogers, *Native administration in the Union of South Africa*, pp 145 and 148. Cl 1.3 of the 1927 and 1929 Bills prohibited any 'association or aggregation of natives, other than a recognised tribe' from buying land in co-operation.

I have mentioned 'purchase' and 'lease' because the Native must clearly understand that no land is to be given by the State. But that the opportunity will be given to him by means of purchase or lease to enable him to acquire a reasonable extent of land in addition to what has been reserved to him.

I wish here to emphasise that it is clear to me that there is a misapprehension about this matter. There are Natives as well as Europeans who seem to think that the Act of 1913 intended to make a free gift to the Natives of the land described by the Beaumont Commission. That was never the intention, nor is it the present intention.

30

At the same time facilities for whites such as subsidies, bank loans, and the right to mortgage property were to be denied Africans because - as the Prime Minister rationalised when challenged on this point - 'the Bank wanted security which the Natives were unable to give'.³¹ Although a Native Land Purchases and Advances Fund was to be established under the Amendment Bills, it was obviously a minor feature of them. Mainly because as the poor whites got poorer, there was more opposition to money being allocated to Africans.³² The fund should have been used to relieve congestion in the reserves, but with its meagre resources it could only be made available to assist African tribes who, after purchasing land, found themselves in financial difficulties.³³

The 1913 Land Act in its final form did not call for a fund for buying land. In this the Prime Minister was correct.³⁴ But it was not hedged around

30 Prime Minister's address, proceeding and resolutions of the Governor-General's Native Conference, 3 December 1925, NAC report 1925, UG 17-27, p 16

31 Karis & Carter, 'Proceedings and resolutions of the Governor-General's Native Conference 1925', v 1, doc 39c, p 178; also UG 17-27

32 On provisions made for landless poor whites see chap 7 and appendix B.10.

33 Departmental policy according to P van Biljon was to give financial aid to Africans who themselves raised half the necessary sum, the remainder to be repaid by tribal levy. P van Biljon, Grensbakens tussen blank en swart in Suid Afrika, p 455

34 Provision was made for the expropriation and purchase of land by Africans under Sauer's original draft 1913 Land Bill according to T L Schreiner who recalled: 'I know under the Bill introduced by Mr Sauer, what made many approve of it was that there was a whole chapter about expropriation, and not only how the land should be expropriated but how the money was to be repaid by the Natives. There was to be a tax on Natives of £1 per head for a number of years (15), and it even specified as to the manner in which the money had to be paid, but before we went into Committee the chapter as a whole had disappeared, and there was very little left about expropriation or anything of that sort.' In reply to a member of the committee, Schreiner also confirmed he had 'a very precious copy' of the draft Bill. Report of the Select Committee on the Native Administration Bill, SC 6a-17, paras 3556-7. (At the time of writing I have not been able to consult a copy of this original draft.)

with all the restrictions of the Amendment Bills. The released areas of 1913 were not to be competed for on the open market, nor did whites have the advantage in bargaining, since at that time Africans could raise loans and mortgage bonds.³⁵ A SAIRR pamphlet pointed to another difficulty:

the Bill before us does not prevent sales and purchases between Europeans in "released areas". This relaxation will tend to keep up the price of land in these released areas and in this way handicap Native purchasers. 36

'Incidentally,' the writer continued, 'it will also prove an obstacle to segregation, often proclaimed as the guiding principle of the Prime Minister's policy.'³⁷

There does not seem to be anything incidental about this policy at all. These new restrictions demonstrated that Hertzog had no intention of carrying out the policy of segregating Africans and whites territorially. Smuts, it should be noted, originally rejected Hertzog's land Amendment Bills for this very reason. In a memorandum on the 'Four Bills' he made several points. The scheme reversed Botha's segregation policy in permitting competitive buying between Africans and whites in the released areas. It did not substantially relieve the acute land shortage. The released areas were those recommended ten years previously and were no longer practicable. The Bill did nothing to encourage agricultural development. And the licensing provisions on squatters and labour tenants were too drastic.³⁸

Cutting down the promised land

The idea of segregating Africans and whites territorially had, it appears, been abandoned. If in addition to this the land grants also proved inadequate, then the Cape franchise was lost for less than nothing. This was the view adopted by most Africans.

35 After the Supreme Court decision (*Tsewu v Registrar of Deeds* 1905) Africans in the Transvaal were allowed to receive transfer direct and own their land personally. This applied in practice only to new transfers. Even trust land in the Transvaal, unlike Natal, was often held in full ownership – under these forms of title it was possible for Africans to mortgage their land or raise loans and bonds. The same applied to individual freehold tenure in Natal (as opposed to Natal trust land), Thaba 'Nchu in the OFS, and throughout the Cape and Transkei.

36 Joint Council, Memorandum 1, p 6

37 Ibid

38 Hancock & Van der Poel, v 5, p 323

Sol Plaatje took the trouble to compare maps with the revised schedule in the 1926 Land Bill. These he compared with the schedule to the 1913 Land Act. From these comparisons he concluded that 'he did not place much reliance on the maps' and that the 'Bill reminded him of a jackal trap - a nice piece of meat with poison inside'.³⁹ Even a convention of chiefs held under the auspices of the ANC in 1927 rejected the Bill for offering totally inadequate areas.⁴⁰

A second major objection was Hertzog's insistence that the Bills be passed in tandem with the released areas compensating in part for the removal of Africans from the Cape common roll. Such a deal was rejected by both Africans and whites. As Walshe records:

this, in the judgement of the Johannesburg Joint Council, was a matter for the conscience of white South Africa, an iniquitous bargain, "by which a cherished right is to be wrested from an unwilling people in return for the discharge of a moral and legal debt which - to the shame of white South Africa - had been outstanding for nearly a quarter of a century."

41

The interdependence of Hertzog's Bills was a source of bitter frustration and resentment for Africans. Councillor Xabanisa of the Transkeian Bunga pointed out there was no basis for Hertzog's claim that the 1926 Land Bill and its counterpart the 1926 Union Council Bill were an honest bargain:

39 UG 17-27, p 70. Plaatje was possibly referring to the radical reduction in the area to be allocated or else to the discrepancy in the published figures. For the researcher the latter still causes confusion. See table 2.1 for details.

40 Karis & Carter, 'Resolutions of the Convention of Bantu Chiefs, held under the auspices of the African National Congress', 15 April 1927, v 1, doc 48e, p 304

41 P Walshe, The rise of African nationalism in South Africa, p 191. For detailed analysis of African reaction to Hertzog's segregation Bills see Walshe, chap 6; T R H Davenport, South Africa: A modern history, chap 11; M Benson, South Africa: The struggle for a birthright, chapters 3 and 4; S Plaatje, op cit, published in 1913, which deals specifically with the 1913 Natives' Land Act and its consequences; D D T Jabavu, The black problem and The segregation fallacy; S M Molema, Bantu past and present; R V S Thema, The Union's native policy; S Trapido, 'A preliminary study of African political opinion in South Africa 1884-1955', unpub BA (Hons) thesis, University of the Witwatersrand, 1959; S M Lekhela, 'An historical survey of native land settlement in South Africa from 1902 to the passing of the Native Trust and Land Act 1936', unpub MA thesis, UNISA, 1967; and Vivien Klein, 'African responses in the Eastern Cape to Hertzog's Representation of Natives in Parliament Bill 1926-1936', unpub BA (Hons) thesis, UCT, 1978.

To say it [the vote] is being exchanged for something else is not true, because we have been given nothing. This Council that we have been promised is already in existence under Act 23 of 1920, where it is stated that Councils would be introduced in all the provinces in South Africa. All that we were expecting was offered when that law was to be applied. We are surprised that the Government should suggest an exchange or purchase price because we already had what was proposed. What sort of a man would he be who came to buy an ox and gave you in payment a horse that was already yours? Again, this vote is sought to be purchased with land. We already have a law about land - the 1913 Act... The Government must know our natural right in the land as being the Native people of this country, and that is why we say that an Act for the division of land is already in existence. How can it be proposed to pay us with that for our vote?

42

R V Selope Thema argued cogently to the NEC that extra land should be given to Africans. The point he emphasised was that the scheduled reserves as constituted in 1913 were already totally inadequate. On the government's failure to lift the 1913 restrictions Thema submitted:

the result was that the operation of the Land Act, rendered thousands of Natives landless and homeless, disturbed the working and living conditions of the Native reserves with the result that thousands of Natives migrated to the towns.

43

Majority white opinion, as will be shown later, rejected such a suggestion out of hand, despite the fact that there was a great deal of evidence to support Thema's view.

Numerous public commissions and parliamentary committees had sat over the years taking evidence on land and its distribution between Africans and whites.

44

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- 42 Karis & Carter, 'News report and resolution of the United Transkeian Territories General Council', 30 March 1936, v 2, doc 8, p 30
- 43 NEC 1930-1932, typescript evidence of Richard Victor Selope Thema, member of the ANC executive and Joint Council movement. Thema was originally subeditor of the ANC newspaper Abantu-Batho and in 1932 became editor of the newly established Bantu World. He was a 'major spokesman for moderate African opinion'. See Karis & Carter, v 4, p 155 for further details.
- 44 Official sources available on the economic conditions of Africans in the reserves: Report of the Economic Commission, 1914, UG 12-14; Report of the Economic and Wage Commission, 1925, UG 14-26; Report, with evidence, of the Natives Land Commission, UG 19-16; UG 22-16 (Beaumont Commission); Select Committee reports on native affairs: 6a-17 and 10-27; in addition to the NAD annual reports and those of the NAC 1921-. W M Macmillan's researches had been undertaken on behalf of the Department of Census and Statistics. His findings were first published in the Cape Times, 12 April 1926 and then in book form, Complex South Africa in February 1930.

Table 2.1 COMPARATIVE CHART SHOWING REDUCTION IN LAND SCHEDULED FOR RELEASE 1916 - 1936

Province	Percentage of area of province scheduled 1913	Scheduled areas 1913	Revised scheduled areas 1926	Beaumont areas 1916	Released areas 1927	Released areas 1936	Released areas short in schedule 1936	Total to be released (quota) 1936
		A	B	C	D	E	F	G
Cape	8.47	7 115 561	6 044 000	1 133 055	1 494 200	1 607 800	8 200	1 616 000
Natal	22.83	2 897 120	2 755 000	1 861 680	433 600	288 718	237 282	526 000
Transvaal	3.22	1 077 513	1 065 700	5 042 693	5 007 800	4 758 991	269 009	5 028 000
O F S	0.48	74 290	74 290	148 316	79 400	79 342	658	80 000
Union	7.13	11 164 484 1	9 958 990 2	8 365 744 3	7 014 400 2	6 734 851 4	515 149 4	7 250 000 5

1	1916 Beaumont Commission	11 164 484
	1927 Natives' Land Amendment Bill	9 958 902
	1935 Joint Select Committee	10 410 290
	1936 <u>House of Assembly Debates</u> , 30 April 1936	10 422 935
	1956 Tomlinson Commission	10 729 430

2 SC 10-27, p 15

3 UG 19-16, p 44

4 See Edith Rheinallt-Jones's article, Race Relations, August 1938.

5 House of Assembly Debates, 30 April 1936, col 2747

SUMMARY OF CHANGING TOTALS 1916-1936			
Schedule & release	Date	Total	Change
A + C	1916	19 530 228	
B + D	1926	16 973 390	- 2 556 838
G + B	1936	18 623 417	+ 1 650 027

All figures quoted in morgen (1 morgen = 0.857 hectara)

Some of their views and findings were summarised by the Secretary for Native Affairs in his report of 1926. In it he showed that the numbers of Africans in the reserves had increased dramatically since the first land commission reported. From these figures he argued:

Now in 1927 it was impossible to get the land they could have got in 1917. This was due to many causes, which it was unnecessary to state. But speaking from inside knowledge he knew it was impossible and he thought every friend of the Native regretted that the Bill of 1917 did not pass. 45

After describing the various categories of land which the government proposed to release under its 1926 Land Amendment Bill, he concluded:

even when supplemented by the proposed released areas they would not absorb and maintain the native population resident in European areas, nor is any such translocation intended. 46

One of the examples Herbst had in mind was this:

Take the Crown land - there was still some in the Transvaal - nothing in the Cape - very little in Natal - none in the Orange Free State - while in 1917 there were thousands of morgen available. They had disappeared and Europeans were in occupation. 47

Segregation under the revised Land Bill was not envisaged, Herbst claimed, it had been abandoned because the areas set aside were totally inadequate. A review of the recommended land apportionment proposals substantiates Herbst's view.

In 1927 the Select Committee that took evidence on the Natives' Land Amendment Bill estimated that the scheduled reserves totalled only 9 958 990 morgen.⁴⁸ A few years later in 1932 the report of the NEC starkly depicted

45 UG 17-27, pp 69-70

46 UG 14-27, p 7. For details and descriptions of the various classes of land see appendices B.2 (a) and B.3 (a) and accompanying notes.

47 UG 17-27, p70. Herbst referred to the land classed as 'Crown land not reserved for any special purpose', which when Beaumont reported in 1916 amounted to 9 156 644 morgen. Despite the fact that a great deal of this crown land had been recommended for release by Beaumont, between 1918 and 1928 it fell into white hands. How this happened is fully discussed below. For details see UG 19-16, appendix III, col 8 or appendices B.2 (a), col 8 and B.4 (c) below.

48 SC 10-27. The Select Committee total is used in this discussion, for it was obviously what officials relied on at the time. 9 958 990 morgen was given in the 1926 schedule (misquoted as 9 959 000 because of an error in the total for the O F S: 74 300 instead of the correct 74 290). But the scheduled areas recorded in each province add up to 9 958 990.

the poverty and underdevelopment of these areas. It warned that the land could become a desert, and stressed generally:

We have now throughout the reserves a state of affairs in which, with few exceptions, the carrying capacity of the soil for both human beings and animals is definitely on the downgrade; a state of affairs which unless soon remedied, will within one or at the outside two decades create in the Union an appalling problem of Native poverty. 49

Well within the decade, D L Smit, the Secretary for Native Affairs, tabled a White Paper in which he endorsed these remarks. In 1936 he wrote:

Speaking generally, it is notorious that the existing Native Locations and Reserves are congested, denuded, overstocked, eroded and, for the most part in a deplorable condition 50

Seven million morgen⁵¹ of extra land was to be released ostensibly to relieve the position. But, as has already been said, these new areas were not to be kept exclusively for Africans. Further, in computing the land actually to be released, the final amount would be considerably less than this quota. Firstly black islands in the 'non-native' areas were to be excised. These islands were African-owned areas surrounded by white farms, about 305 052 morgen as Edith Rheinallt-Jones estimated at the time.⁵² The 1926 Land Bill called for the expropriation of these

49 UG 22-32, para 69

50 D L Smit, Statement of policy under Native Trust and Land Act 1936, Parliamentary White Paper, 23 February 1937, An 401-1937, p 3

51 7 014 400 was the exact figure given. See table 2.1, col D.

52 Edith Rheinallt-Jones, 'Some considerations which arise from the administration of the Native Trust and Land Act', Race Relations, v 5, 3, August 1938, p 5. Beaumont's figure for African owned farms is 1 002 039, but he included in this estimate all African owned land and not just the so-called 'black islands' (or black spots as they are better known today). See appendix B.2 (a), col 3, and p 79 below. Also Tomlinson gives 1 800 140 as African owned land in both scheduled and released areas in 1956, and 188 660 as black spots. These were African owned outside the scheduled and released areas, but at the time the Tomlinson report was compiled the expropriation of 'black islands' had already begun. Former African residents in these areas had either been bought out or they had been given compensatory land in the reserves. An analysis of land transactions between 1936 and 1956 suggests that the figure of 300 000 morgen estimated by Rheinallt-Jones was even on the conservative side. See Summary of the Report of the Commission for Socio-economic Development of the Bantu Areas within the Union of South Africa (Tomlinson report), UG 61-55, pp 44-46; and for details of land transactions, see appendix B.5 (1919-1928) and NAC annual reports 1936-1953.

areas, but there is no sign that Hertzog in 1926 contemplated adding the morgengage lost in this way to the quota of 7 014 400 to be released.⁵³ Secondly, Africans already owned a further 696 987 morgen in the areas proposed for release.⁵⁴ This amount was also not included in the final calculation. If these two amounts are deducted from the 7 014 400 scheduled for release in 1926, only an estimated 6 011 961 morgen would have been available for purchase by either Africans or whites in the released areas.

Ten years earlier Beaumont had recommended that 8 365 744 morgen be added to the existing reserves.⁵⁵ Between 1916 and 1926 therefore, the extra land recommended for release had been reduced by 1 351 300 morgen, or 2 353 339 if African owned land which was not to be added to the final quota is also deducted.⁵⁶ This reduction belies Hertzog's protestations that his government wanted to set aside enough land so that Africans 'could develop along their own lines'.

This claim can be substantiated further by describing the remaining areas to be released - that is, excluding the African owned land just dealt with. Firstly, there was crown land, which Beaumont estimated at 942 280.⁵⁷ Of it the Secretary for Native Affairs said:

It must be emphasised that much of the particular class of Trust land [as crown land later became known] [58] already carries

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- 53 According to the Native Trust and Land Act 18/1936, 13 (5), 'land of equal pastoral and agricultural value' was to be swapped for black islands excised or expropriated. This amount was to be in addition to the 7 250 000 morgen released in 1936. Therefore in 1936 a clear change of policy was indicated.
- 54 This figure plus the 305 052 morgen outside the scheduled and released areas gives the total 1 002 039 estimated by Beaumont as already owned by Africans. See n 2.52 above.
- 55 See table 2.1, col C, and appendix B.4 (a).
- 56 See table 2.1. The context here is: had Hertzog decided to make African owned land outside the reserves additional to the quota, it would have been specified as it was in 1936. See n 2.53.
- 57 See appendix B.2 (a), col 4.
- 58 Under the 1936 Act crown land in the released and scheduled areas was vested in the South African Native Trust. According to the 1926 estimate, Africans actually occupied 2 557 747 morgen of crown land. In 1936 1 056 415 morgen of crown land fell within the defined 'native areas' and was vested in the trust. One can either assume that the crown land occupied by Africans in 1926 was not all scheduled for release, or that it was excluded from the 1936 schedules having been bought in the interim by whites. See also Social and Economic Planning Council report 9, UG 32-46, annexure 11; and appendix B.4 (a) for 1926 estimates; also B.2 (c), B.4 (b) and B.4 (c).

a sufficiently large number of Natives, and thus, speaking generally, cannot be regarded as available for the accommodation of landless Natives or of the surplus population from congested areas.

59

As was pointed out, much crown land that could have accommodated newcomers had been lost forever to the Africans between 1918 and 1926.

Nor did the remaining 4 156 329 morgen to be released offer hope of much African resettlement. Many of the farms in this area scheduled for release were owned by absentee landlords and land company owners who, in the derogatory phrase of the day, were accused of 'farming kaffirs'. Owners of this type of farm either made money by hiring or leasing small plots of land to African peasants, or they allowed Africans to squat on their unoccupied land as rack-renters or labour tenants. The evidence suggests that in many instances these areas were chosen because they already accommodated tens of thousands of Africans. Hence landless Africans could not be catered for in these areas either. This too was noted in Smit's White Paper:

Many of this class of farm already carries a large complement of Natives, and, accordingly, unless special measures are adopted to increase their carrying capacity, e.g. by developing the water supply, they will not prove of any great assistance in the matter of settling disposed and landless Natives.

60

The Transvaal Land Owners' Association (TLOA) for instance owned 10 000 000 acres (roughly 4.5 million morgen) accommodating 100 000 souls. Of this amount 793 607 morgen was scheduled for release.⁶¹ These comprised the following:⁶²

59 Smit, p 6

60 Ibid, p 7. See appendices B.4 (d) and B.4 (e) below. It should also be noted that not all this land was actually scheduled for release, but represented the areas exclusively occupied by Africans at these different dates. For example, see table 2.2 where statistics of land company land included in the schedule are given, p 74 and appendix B.4 (f).

61 Here again amounts vary. The official estimate is given as 5 000 000 morgen. See SC 6a-17, para 3527.

62 Ibid, appendix D, p xxi, evidence submitted by H A Baily. For details of areas listed in table, see Report of Natives' Land Commission, UG 6-16, p 45.

Table 2.2 LAND OWNED BY MEMBERS/AFFILIATES OF T L O A
IN EACH 'NATIVE AREA' IN THE TRANSVAAL

Area	Morgen
1	41 359
2	352 984
4	838
5	17 604
7	265 242
8, 9, 13, 14, & 15	93 430
16	5 970
17	16 180
	793 607

In the areas scheduled, population and livestock, they indicated, had already reached saturation point nearly everywhere. In addition the TLOA maintained that the few areas still sparsely populated, but included in the schedule, were unfit for human habitation. Describing just one of these sparsely populated areas the TLOA had this to say:

Dealing with the position in the Zoutpansberg District alone, some 4,000 to 5,000 square miles, being the whole of the eastern part of the district, has been recommended by the Commission as Native Area. This in its actual size may appear to be a very liberal grant; but when one comes to consider that only a very small proportion, generally the mountainous parts in the west central portion of the area, and along Levubu River valley as far as T'sukundu is at all habitable or capable of sustaining even Natives, and for the rest is by general admission known to be a waterless, sterile tract of country, alkaline in the flats and sheer rock and gravel in the more northerly hilly portion, incapable of producing anything in the way of crops, it will be seen that the grant does not amount to much, in fact the extent of its habitable capabilities may rightly be gauged by the extent to which it is presently occupied by Natives for the reason that here the Natives have had every freedom for generations past to settle, and yet they have not done so, preferring the harder conditions of living on farms as rent-payers or labourers. It should be borne in mind that a great portion of this area is made up of the Singwedse Game Reserve, the unfitness of which for agriculture has long been recognised. The suitable parts mentioned above are already densely occupied by Natives. Of the whole, I would estimate that not more than 1/12th of the total area is capable of carrying Natives.

63

63 Ibid, para 2383. Evidence of Henry Alfred Baily, secretary of the TLOA. Compare with description given by Filipus Bopape and Col E M Greene, p 175 and n 5.9 below.

Yet, 'white opinion was shocked by what it called "generous" allocations.' This was especially the case in Natal, H M Robertson notes.⁶⁴ There people objected that if the Beaumont recommendations were passed, Africans in Natal - which included Zululand - would own 43.1 per cent of the whole area. Protest in Natal and the Free State was so effective that the 1926 schedule reduced the quota for Natal from 1 861 680 morgen recommended by Beaumont to 433 600 morgen, and for the Free State the Beaumont recommendations were reduced from 148 300 to 79 400.⁶⁵ There were only three reserves set aside for Africans in the OFS - Witzieshoek, Thaba 'Nchu and Seliba. Together these totalled 74 290 morgen.

On conditions in Thaba 'Nchu, the NEC reported:

there are no resident Natives; those that work there go in from outside. The Natives in this district have lost hope and they live in fear of being deprived of the little land they have got. They believe that it is not the intention of the Government to help the Natives in any way, and the land is passing out of the hands of the Natives into those of Europeans.

Thaba 'Nchu Natives want to live in Thaba 'Nchu, not in Natal. The number of landless Natives in the district is alarming and the land would be inadequate even if the production were increased. Twenty years ago the Natives asked for an agricultural college, but it was given to the whites instead. 66

On the reduction in the Natal quota, Maurice Evans wrote:

Yet even this will mean an average of 156 acres per head of European population, and 6.8 acres for every native, while, 'the land which will fall within the European areas is infinitely healthier, more fertile, and altogether more desirable, than either the present locations or the areas recommended by the Beaumont Commission'. 67

There are countless references to good quality land which whites insisted should be deleted from the schedule. Here are just two typical examples. Colonel E M Greene, representing the Natal Farmers' Association, disputed the proposed release of land in the Tugela location at the source of the Tugela River. He contended:

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- 64 Report by Maurice Evans on the native areas in Natal recommended by the Natives' Land Commission, UG 41-18, p 3 quoted in H M Robertson, 'The economic condition of the rural native', in I Schapera (ed), Western civilisation and the natives, p 145
- 65 UG 14-27, p 6. See table 2.1 above.
- 66 UG 22-32, addendum paras 47-49. For further details on the OFS see paras 318-216. For Natal objections to evicted Africans finding refuge in Natal see SC 6a-17, paras 175 and 198-201.
- 67 Quoted by H M Robertson. The reports of the local committees show the tremendous practical difficulties for any final scheme to demarcate areas for release.

the native, being what he is, cannot make a living on certain lands from which a European could obtain a living, but on the other hand he could make a living on land on which no European could make a living. The land I have referred to is suitable for Native occupation. It is poor, but suitable for that purpose. In Area 13 the land is poor in this respect, that it is incapable of cultivation, but exceedingly valuable for grazing purposes in the spring and early summer; in other words, it is valuable for a person who can afford to keep several classes of grazing for his cattle, and if you put it that way it is absolutely useless for Native settlement purposes ... the remainder of the land in Area 13 ... is in deep gorges and the character of the country is that which the Natives love....

68

Another association member had this to say on Area 17 in the districts of Ixopo, Alexandra and Alfred in Natal:

Before Union we built a railway up to Paddock, and the Union Government extended it to Harding, and I cannot understand this recommendation of the Commission at all. The building of that railway was authorized after full enquiry. Wattle plantations have been laid out and the district was being well developed. The railway runs up to Paddock and from there to Harding and from there the road leads up to Kokstad. It is a very fine area and there are a large number of Europeans living on it. The Commission has proposed to leave two miles on each side of the railway for the use of Europeans, and the rest of the area they are leaving to Natives.... I feel certain that if this area was thoroughly inspected such a recommendation would never have been made.

69

The reports of the local committees show they encountered tremendous practical difficulties in finalising the apportionment of land between Africans and whites. Brookes wrote:

everywhere vested interests are aroused. European farmers whose farms become islands in the projected Beaumont Native Areas and could only have been sold to Natives, had the Bill of 1917 gone through, complained of depreciation in the value of their land.

70

In the areas where white and African interests clashed, white objections were upheld. Many of the areas disputed each time land release was discussed, were

68 Colonel E M Greene, Colonel Bede Crompton, and Messrs D Roux Bester and George Herbert Hulett, representing the Natal Agricultural Union, SC 6a-17, para 180

69 Ibid, para 133

70 E Brookes, History of native policy in South Africa from 1830 to the present day, p 333

later deleted from the schedules.⁷¹ 'Perhaps the most serious indictment of the present delimitations', J D Rheinallt-Jones wrote, 'is that areas on good leases suitable for irrigation have been cut out for European settlement schemes.' 'The reason (or excuse) given', he continued, 'is that such areas are not suitable for Native cultivation and that Natives would only waste or spoil them.' It was not that he disputed this fact, he asserted, but it certainly would be disputed by 'the type of European who is being settled in such areas if all sorts of help and training were not given.'⁷²

These examples reveal that vested and future white interests were the first consideration when choosing ground. Of the 2 000 000 morgen dropped from the schedules between 1916 and 1926, the best crown land, it was noted, was taken up by whites. In other areas either the land was considered 'too good for wasteful kaffir farming', or farmers found through loans, irrigation schemes and the extension of railway services that their formerly undeveloped, unoccupied land had become economically viable.

The position regarding the adequacy of the proposed released areas can be summed up as follows. In 1926 Africans were already in exclusive occupation of over 21 million morgen. According to official estimates this was divided up thus:

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- 71 See J D Rheinallt-Jones, The land question in South Africa, in which disputed lands are discussed. These lands were excised under an Act in 1939 amending the Native Trust and Land Act 18/1936 which empowered the government to expropriate even those areas that had been safeguarded in perpetuity under the schedule to the Natives' Land Act 27/1913. For an accurate assessment the 1916 and 1918 Land Commission and Committee reports should be read together with the report of the Select Committee on Native Bills, SC 10-27, which took evidence on the revised schedule; also the Debates in the House, 1917, 1926, 1929 and 1936. At these times MPs invariably brought their constituents' objections to the notice of the Minister of Native Affairs. African objections were well documented by Mr and Mrs R J Rheinallt-Jones, Rheinallt-Jones papers, Institute archives, University of the Witwatersrand; and the Margaret Ballinger papers, both University of the Witwatersrand and UCT collections. An invaluable source would have been Edgar Brookes's private papers, but apparently these no longer exist.
- 72 J D Rheinallt-Jones to D Moltano, 8 July 1940, Rheinallt-Jones papers, B (100) e

Table 2.3 LAND OCCUPIED BY AFRICANS
(1926 N.A.D. ESTIMATE)

73

Province	Rural locations	African land	Crown land	Mission land	White land unocc.
Cape	11 743 779	250 748	152 185	64 514	55 754
Transvaal	710 455	510 176	1 598 429	79 605	1 640 166
Natal	2 633 210	131 612	807 133	146 168	290 256
OFS	74 290	93 542	-	9 100	114 793
	15 161 734	986 078	2 557 747	299 387	2 100 969

Province	Estimated rural population	Morgen occupied
Cape	1 528 616	12 266 980
Transvaal	1 320 200	4 538 831
Natal	1 149 980	4 008 379
OFS	71 700	291 725
	4 401 796	21 105 915

Areas quoted in morgen
(1 morgen = 0.857 hectare)

From these and earlier calculations we see:

Morgen

Land scheduled as 'native areas' in the Natives' Land Act 1913 as amended in 1926 (see table 2.1, col B)

9 958 990

Land outside scheduled 'native areas' (see table 2.4) owned by African tribes, syndicates of Africans, and individual Africans

in released areas 696 987

in 'white' areas ('black islands') 305 052

1 002 039

1 002 039

Land released or to be released for ownership by the Natives' Land Amendment Bill, 1927

7 014 400

From this analysis we can deduce the following final estimates and reductions between 1916 when Beaumont recommended certain areas and 1926 when the supplementary Natives' Land Bill was tabled:

Table 2.4 TOTAL MORGENAGE AVAILABLE FOR
AFRICAN OCCUPATION IN UNION 1916 & 1926

	1916	1926
1913 schedule : as amended 1927	10 422 935	9 958 990
Scheduled for release	8 365 700	7 014 400
TOTAL	18 788 635	16 973 390
<u>LESS LAND OWNED BY AFRICANS</u>		
within released areas: if retained, to be deducted from morgnage named in Bill _____ a		696 987
in white areas: 'black islands'. No provision was made for compensating land to be given. — b	1 002 039	
c		305 052
FINAL TOTAL FOR RELEASE	17 786 596*	15 971 351**

* to be purchased by Africans only

** for purchase by either Africans or whites
except in the case of 'black and white islands'

- a the Beaumont figure, less the 'black islands'. Beaumont had not distinguished between the two categories. See n 2.52.
b Beaumont: see UG 22-16 or appendix B.2(a), col 3 below.
c E Rheinallt-Jones, p 5. On lack of compensation see n 2.53 above.

Here we can compare the total morgnages for 1926 as they appear on tables 2.3 and 2.4:

the land said to be actually occupied by Africans outside the reserves (2.3)	21 105 915
the total recommended for release (2.4)	15 971 351

Evidently the area recommended for release was a mere three-quarters of what the Africans already occupied at the time.

Not only is the land exclusively owned by Africans important in this context, but also the distribution of Africans living within and outside the scheduled

reserves. This was as follows:

Table 2.5 RURAL AFRICAN DISTRIBUTION (1927 ESTIMATE) 74

Province	Scheduled areas	Released areas	Other rural areas	Total non-scheduled rural areas	Total
Cape	1 500 000	70 000	190 000	260 000	1 760 000
Transvaal	390 000	250 000	560 000	810 000	1 200 000
Natal	620 000	50 000	530 000	580 000	1 200 000
O F S	17 000	5 000	338 000	343 000	360 000
Total	2 527 000	375 000	1 618 000	1 993 000*	4 520 000

Thus nearly two million rural Africans lived outside the areas scheduled for African occupation. To resettle them, double the number of Africans would have to be accommodated in the reserves, which would eventually comprise 15 970 961 morgen, assuming, that is, that the land scheduled for release would pass into African hands. Can it be said that this was Hertzog's aim in 1926?

Administrative dispensations had relieved the congestion in some of the very worst areas. In 1926 the policy of allocating monies annually 'for the purchase of land by the Government' in distressed areas, which had been initiated by Botha in 1918 and endorsed by Smuts in 1923,⁷⁵ continued in operation. Between 1918 and 1927 the government provided loans totalling only £228 821.⁷⁶

74 SC 10-27, para 3. For distribution on various classes of land in 1916 see appendix B.2 (a).

75 For General Botha's policy see UG 14-27, p 5; and for General Smuts's, Davenport & Hunt, doc 69. For details of authorised administrative excisions and additions to the 1913 schedule see amending Acts 28/1925; 34/1927; 36/1931; and 27/1935. It should be noted that the latter did not need parliamentary authorisation once the land acquired fell within the 'committee areas'. See appendix B.5.

76 Compared to what the white agricultural sector got, this was infinitesimal. According to S H Frankel, *Capital investment in South Africa*, p 199 ff, 'in 1936 there were 700 000 whites in the rural areas. Between 1910 and 1936 the State devoted over £71 000 000 of loan funds to agriculture, and over £41 000 000 of the revenue money to subsidise individual farmers. Of the loaned funds £6 750 000 were written off, and £13 712 000 was classed as "non-recoverable". Also the State made grants of £80 000 000 and net loans of £30 000 000 - £110 000 000 in all - to help whites. During the same period less than £750 000 was spent on the agricultural needs of the 3 000 000 people in the Reserves.'

This amount bought approximately 90 000 morgen and catered mainly for Africans in Piet Retief, Glen Grey, Pietersburg, King William's Town, Peddie and Lichtenburg. But otherwise nothing was done. In 1925 Hertzog revised the method of financing these purchases.⁷⁷ Instead of loans being made to Africans from the general revenue account, African tribes were to purchase land by tribal levies which when duly authorised were – under section 15 of the Natives' Taxation and Development Act 41/1925 as amended by section 9 of Act 37/1931 – recoverable as taxes under that Act.⁷⁸ Between 1926 and 1932, eighty-six such tribal levies were imposed under the Act,⁷⁹ according to Rogers.

Like his predecessors, Hertzog had no intention of giving parliamentary authorisation to the administrative policy launched by General Botha. Magistrates and NCs were asked by the NEC in 1930 to report on land transactions in their area. The evidence reveals that when approached the farmers' associations in each province invariably refused to permit administrative purchase in their areas.⁸⁰ The following responses from departmental officials suggest why.

The NC for Ixopo in Natal, H B Wallace, praised the system of individual purchase and syndicate buying that had been the practice in his area prior to 1913. He insisted that 'the owners of land undoubtedly make better use of their holdings than do squatters, labour tenants or natives in native areas.' To substantiate this he continued: 'Many of the native farmers in this district fertilise largely and raise good crops of mealies and they also plant fruit and vegetables which they sell to Europeans.' The present land shortage would however have an adverse effect on African progress in the area. He noted that 'a chief living in Ixopo District desired to purchase a portion of Crown land in addition to a farm he is at present purchasing on the instalment system for his tribe', but the

Ixopo Farmers' Associations were consulted with regard to the proposed purchase by Natives of land and they were opposed to the acquisition of land by Natives where the land was situated in or near any area occupied by Europeans with the result that the matter was dropped.

81

77 After 1930 the policy of administrative purchases was quietly dropped. See chap 5, p 207.

78 Rogers, p 148

79 Ibid

80 UG 22-32, annexure 7, questionnaire 57/2: '2(a) Have European individuals or Associations been consulted about the proposed purchase by Natives of land in your District, or are they consulted? If so, (b) what has been their attitude; and (c) its effect upon the proposed purchases?'

81 NEC 57/2, typescript evidence, H B Wallace, NC Ixopo, Natal, 21 January 1931

The magistrate at Estcourt reported:

As regards this District I may state that recently an application was received from a Chief and his tribe to purchase a European owned farm abutting a released area No. 28, as described in Part 1 of the first Schedule to the Native Land Act Amendment Bill published in Gazette Extraordinary dated 4 March 1929.

The matter was referred to the Farmers Association which body strongly objected to the sale of the farm to Natives on general grounds and particularly the sale of any land to Natives unless such land abuts an existing location.

My predecessor just as strongly recommended that the tribe be allowed to purchase the farm as it abuts on a released area and that is what the natives have been told, and when they found a farm which complies with the conditions laid down by the Government (Identical Minute of the Secretary of Native Affairs 1/4/1929) they are met with an adverse report from interested persons, which if allowed to prevail makes a nullity of the offer made by the Government and thus gives the native another ground for doubting bona fides of the Government.

If the final decision is to remain with the farmer, then I fear so far as this District is concerned, the Native will have no hope of acquiring property.

82

Similar reports were made by other departmental officials. In Bergville, where according to the 1921 census there were 927 whites and 18 903 Africans living in a predominantly African area, the magistrate reported that should land be offered to Africans in Bergville, there would be protests from 'individual farmers and from the local Farmers' Association, especially as the Location and Native-owned farms already form the greater part of this District.'⁸³ And yet Thos MacDonald, a farmer in the area, reported

a continuous stream of evictions from European owned farms, either because of unsatisfactory labour relations or by virtue of the fact that the African acquires an excess in the number of cattle allowed.

84

The land shortage forced men evicted to seek employment on neighbouring farms, hence the reluctance of farmers in the area to sanction the purchase of additional land in the area for Africans. In Camperdown, 'European associations have been

82 Ibid, typescript evidence, [signature illegible], Estcourt, Natal, February 1931. The area referred to in the text adjoins the farm A of Draycott, 5191.

83 Ibid, typescript evidence, [signature illegible], Bergville district, 1 April 1931

84 Ibid, typescript evidence, Thos MacDonald, Natal, 1931.

consulted'; they were 'agreeable to Natives acquiring land which was unsuitable for Europeans.'⁸⁵ Over the years, as the material rewards reaped from more profitable farming ventures increased, so did farmer intransigence. Landlessness amongst Africans assured a corresponding increase in the available labour supply. If the evidence to the NEC is anything to go by, this should be seen as the primary reason for the government failing in its administrative policy for the release of further lands.⁸⁶

The numerous restrictions on the purchase of land by Africans, the reduction in the quota of released land, and the virtual abandonment of the residential segregation of Africans and whites, was thus deliberate. It was all done essentially to meet the farmers' demands.

Here we should note that no provision was to be made for resettling evicted squatters under the revised land Bill of 1926. This signifies a radical departure from the policy laid down in 1913, and it is dealt with fully in chapters 4 and 5 below. If the harsh restrictions included in the 1926 Bill were implemented, an estimated 375 000 families living in the released areas would be liable for eviction. This would mean that these families, comprising roughly one million souls, would either have to accept employment on the farms as labour tenants or full-time servants – the latter if a farmer already had his full complement of five labour tenants. Alternatively, they would have to seek refuge in the reserves.

The questions which must now be asked are: Could the land reserved under the 1913 schedule accommodate this additional number? What of the estimated 2 527 000 Africans already residing in these areas – was the land sufficient for their needs? The answers to these questions will show whether there is any foundation to the argument that Hertzog was intent on setting aside areas where Africans could be 'free to develop along their own lines': in Tatz's terms, pursuing the 'Bantustan concept'.⁸⁷

85 Ibid, typescript evidence, Magistrate, Camperdown district, 13 February 1931

86 For further substantiation see reports of NCs and magistrates in all provinces.

87 Tatz, p 48. For further discussion see below pp 101–102 and chap 3, pp 133–138.

Development or underdevelopment of the reserves?

According to the Select Committee report in 1927, the reserves as scheduled under the 1913 Act were made up as follows:⁸⁸

Cape	6 044 000
Transvaal	1 065 700
Natal	2 755 000
O F S	74 290
	9 958 990

Most of this land, it was generally conceded, was situated in the most fertile areas of the Union. J D Rheinallt-Jones wrote:

A good deal of the Native land falls in good rainfall areas. Much of that on the eastern side of the Drakensberg and the Transvaal northern and eastern areas too, has a tropical or sub-tropical climate. That this conjunction at present has the disadvantage of endemic Malaria and bilharzia is true. 89

Without fail, Hertzog's supporters pointed to the large Transkei and Zululand reserves, insisting that Africans had more land than they needed for their subsistence needs. But were the reserves adequate even for subsistence farming?

The land in the scheduled reserves worked out at roughly 4.4 morgen per head, according to Beaumont. Taking the average family as five persons, the scheduled area would yield about 22 morgen per family. For subsistence, each family of five needed $18\frac{1}{4}$ morgen (4 morgen arable and $14\frac{1}{4}$ pasturage), according to Major Stubbs who used this as a formula in the Eastern Transvaal land committee's report in 1918. The formula, it should be noted, assumed good average loamy soil with regular rainfall, and assumed also that the adult males went out to work in European areas.⁹⁰ On this basis, in 1926 the land

88 SC 10-27 and table 2.1 on p 69 for details; and n 2.48 on the OFS error

89 Rheinallt-Jones to Molteno, 8 July 1940, Rheinallt-Jones papers, B (100)e

90 Eastern Transvaal Local Land Committee, UG 31-18, quoted in *Race Relations*, 30, 1936, p 9. Prior to 1932 no in-depth assessment of the farming possibilities of the reserves had been undertaken, nor perhaps considered necessary. Hence the statistics of the local land committee must stand as the figures relied upon at the time by policymakers. For comparison, a chart of farming possibility estimates drawn up by the Social and Economic Planning Council has been included: appendix B,6; and see UG 32-46, pp 51-52 for commentary. This could be compared with Tomlinson's estimates [sic] which calculated 24 per cent was fit for stock farming only; 67 per cent mainly for stock farming; and 20 per cent for mixed farming. *Tomlinson report*, p 152. Also D Hobart Houghton, *The economy of a reserve*, pp 33-35 and 115-117.

in the reserves looked adequate – if one accepted these figures based, like all judgements of the earlier commissioners, on the de facto population in the reserves in 1916. Macmillan, frustrated in his own research by the tentative and imperfect enumeration and non-existent statistics, had good cause to write in 1929:

Tempting and inevitable as speculation about the country's future may be, Europeans will do well to devote good concrete thinking to bettering the present, since in truth, our statistics are too imperfect to afford a sure basis for prophecy, any more than for panic alarm.

91

Dr Xuma also showed how unreliable the official view was:

Some of the so called Native territories are overcrowded. In them the land question is acute. To illustrate, for many years in the Transkei, several young men who were either too young or absent when land surveying took place are without land. In my own family, there are two who did not and cannot get land. My brother was too young and I was away at school.

There are similar cases in many families. Young men are coming of age in these territories every year but there is no land to be allotted to them. Most of these landless youths marry and have to squat on their fathers' four morgen plots and under the present conditions of agriculture with repeated droughts, these plots hardly yield enough for the needs of one family. These people become poverty-stricken and destitute. What must they do? Where must they go? Naturally to the industrial centres.

92

Xuma's story was by no means an isolated one. Land was urgently needed to accommodate the many thousands rendered landless as a result of the land restrictions imposed in 1913.

If the reserves had been planned as areas for intensive farming, they would have had to have funds to develop and rehabilitate them from the very start. This, it has been shown, was not envisaged under Hertzog's 1926 Bill. In addition, with less and less land being made available, plots were made so small that even the original 4 morgen plot was non-existent in either the surveyed or communal areas.

Congestion even more than landlessness was seen by others as a primary cause for the low yield in the African areas. Even the introduction of better farming methods, the NEC wrote, would be 'hampered in many parts by the congestion now existing, and it will be necessary to relieve the congestion first.'⁹³ Their assertion is borne out by the population density figures in certain areas in the reserves:

91 Macmillan, p 281

92 NEC 1930-1932, typescript evidence of A B Xuma. For further details on landlessness see UG 22-32, paras 139-141.

93 Ibid, para 174

Table 2.6 ESTIMATED LAND AND POPULATION
OF AFRICAN AREAS (1936 CENSUS)

94

Areas	Area (sq miles)	Population	Population density
CAPE			
North-western	5 988	89 200	14.9
Herschel	682	36 300	53.2
Glen Grey Queenstown	1 188	73 600	62.0
Ciskei	1 259	120 200	95.4
Transkei Highlands	3 717	243 100	65.4
Midlands	6 060	484 100	79.8
Coastal	4 139	379 900	91.8
NATAL			
Highlands	1 202	100 600	83.3
Midlands	2 623	309 500	117.7
Coastal	819	160 800	196.0
ZULULAND			
North	3 486	80 600	23.1
Inland	3 558	193 200	54.3
Coastal	617	44 500	72.0
TRANSVAAL			
Central	1 781	114 900	64.5
Western	856	37 700	44.0
North and East	6 847	439 300	64.2
O F S	397	18 600	46.8
Other areas not included	6 570	36 400	-
TOTAL IN UNION	51 800	2 962 400	57.2

94 Condensed version of the table compiled for the Social and Economic Planning Council report 9, UG 32-46, quoted in SAIRR, Our native reserves, Donaldson Blueprint series 4, p 7. No exact figures are available for 1926. This table gives the 1936 census figures and should therefore be compared with the table xii included here in appendix B.7 below although the term 'overpopulation' is relative to such factors as climate, natural resources, capital available and so on, and these must necessarily be considered when comparing density figures. The comparative chart is revealing in that it shows changes in human and livestock densities of population. Finally the 'cattle unit' density in the reserves and a number of adjoining white farming areas are compared, showing a markedly higher density in the reserves. For an accurate assessment of the changes between 1916 and 1926, this chart should be compared with the 1911 census statistics used by Macmillan for compiling his density tables. Macmillan, p 281 ff. and UG 32-46, table 1, pp 8-9.

This argument was countered by those who insisted that Africans had enough land, but the yield per morgen would only improve when overstocking stopped.

An agricultural officer who supported this view said:

In the native areas ... according to the Census figures, there are 3 895 head of large stock and 7 448 319 of small stock - or reduced to a small stock basis 26 926 374 head of stock, which gives 2.42 head per morgen. This is more than double the number that the Native areas can carry, without courting starvation, deterioration, degeneration and annual loss both direct and indirect through starvation.

95

In contrast, Macmillan in his sample survey of the Herschel district concluded:

It remains that the common grazing-lands, most of them little adaptable to any other purposes, will still have to be used for animals and for 'animal husbandry' of some sort - as between cattle, sheep, goats, pigs, and poultry, will be for experts to decide. Even now overstocking is a relative term. As we saw in Herschel, where this pastoral people has barely one beast per head of population, the over-crowding is in truth of people rather than of cattle, and the cattle problem itself is chiefly a variant of the more general problem of poverty.

96

Besides, in most areas the commonage was already being encroached upon since land was so short. This aggravated the overgrazing and led to soil erosion, dongas and denudation of the soil. If the government were really so perturbed about the problem of overstocking, their decision to support the legal sanctioning of the lobola custom under the Native Administration Act of 1927 seems strange. Far from reducing stock, this policy would tend to increase it. Was it done because young men were driven into the labour market to acquire funds for lobola before they could marry? Or did the Africans themselves demand that their custom be legalised, as others claimed?⁹⁷ Whatever the view, the evidence shows that stock limitation was resisted not only on traditional grounds. The more progressive farmer in particular showed he preferred quality cattle to scrub cattle in quantity; sheep farming and cash-cropping had been more profitable in other areas, and

95 NEC 1930-1932, typescript evidence of Department of Agriculture and Economic Development, memorandum: 'Denudation, depopulation and destruction of native areas'. See also appendix B.7 below for an accurate assessment of 'cattle unit' density in African areas, and comparison of African and adjacent white farming areas.

96 Macmillan, p 209

97 For the traditional significance of cattle see J D & E J Krige, The realm of the rain queen; M Hunter, Reaction to conquest; and P & I Mayer, Tribesmen or townsmen. The evidence of J D Rheinallt-Jones and Prof R F A Hoernle to the NEC, 11 and 13 May 1931, is instructive on this point.

if cattle were kept in these areas, it was for the families' dairy needs only.⁹⁸

The premise here is not that cattle did not continue to have an overriding socio-economic and religious significance, but that whites had an equally selfish motive for perpetuating this tradition. The evidence of Fr Huss is particularly instructive on this since he was engaged in trying to start African farming co-operatives. Despite the success he achieved in Natal and the Transkei, the fear of interracial economic competition and persistent complaints by farmers stymied the whole movement.⁹⁹ Even plans for food processing and leather goods were mooted, but came to nothing for the same reason. In this instance it was the manufacturers who objected because labour in the reserves was cheaper and goods produced through African industry there would be sold at a bigger profit.¹⁰⁰

Overstocking, overgrazing, or overpopulation and congestion - which was the greatest cause of deterioration in the reserves? The controversy is of prime concern to agricultural extension officers even today. But whatever the argument, the fact remains that despite growing numbers of people and stock, the land available to them was not increased at remotely the same rate. This is clear from the figures of population density in the reserves. The African population of the Union rose from over four million in 1911 to six and a half million in 1936. Of the total population, 49 per cent were *de facto* residents in the reserves in 1916, according to the Beaumont estimates, and 44 per cent in 1936.¹⁰¹

This declining ratio of Africans in the reserves shows they were moving to white farms and urban areas. Yet despite this exodus the population density

98 See NEC typescript evidence of Fr Huss and oral evidence of Marianhill mission and the Catholic African Union (D L Dopela, A F Matibela, S A F Oellerman and D Ntombela) 7 April 1931. Until further anthropological research on this aspect is available, this inference is necessarily tentative.

99 See especially NEC typescript and oral evidence, E L Harries, Magistrate of Lady Frere, 23 January 1931, and typescript evidence of Fr Huss on the Marianhill people's bank; African farmers' associations such as Marianhill, Mariazell, Polela, Lourdes branch; co-operative societies such as Aliwal North, Qumbu, Kroonstad, Bethlehem; women's self-improvement associations. See also the agricultural textbook written by Fr Huss, Longmans, London, 1921, where he sets out his scheme for the organisation of co-operatives.

100 This was discussed at length by the Industrial Legislation Commission. See their report UG 37-35.

101 See appendix B.7, and UG 32-46, pp 35 and 273.

in the reserves stood at 50.3 per square mile (2 269 000 souls) in 1916, and 57.2 per square mile (2 962 400) in 1936 – an increase of no less than 14 per cent in 20 years. This increase was even larger in Natal where the numbers in many areas almost doubled.¹⁰²

The reserves had an early saturation point too. Given that Beaumont's estimates in 1916 were calculated on the 1911 census returns, allowing for the natural increase of 2 per cent (the rate that Cousins set for whites in his report, which allegedly was much less than the increase among Africans), the saturation point in the reserves would have been reached in just over 10 years – in 1921.

Unfortunately, for the sake of a last-minute economy, the government abandoned its projected 1931 African census and so there were no exact figures to expose the government's fallacy that the reserves as constituted could meet the needs of Africans already settled there.

The policymakers for the reserves had set themselves an impossible task, it seems. Madavo wrote:

The demarcation of the Reserves, their extent and geographical position, came about independently of economic considerations, i.e. the size of the African population and its likely growth, suitability of areas reserved for cropping and grazing. It was a historical and more pertinently, a political division whose arbiters were legally sheltered from interest group pressures. 103

Others argued that it was misleading to compare the land qualitatively, especially as the African reserves fell in some of the best land in the country. Terms such as overpopulation or overstocking should not therefore be used in any absolute sense. Such terms, others countered, can only have meaning in relation to productivity of a particular people at a particular time. By the same token, Hertzog's defenders said: other people could live well in the reserves at another time, with a different standard of living, using better agricultural methods. Those 17 million morgen could support 3 million people after all – especially if they just catered for their most basic needs.

102 Union Year Book 22, p 986 analyses the annual average percentage increase in the Union's African population. Despite the rural-urban migration, they show the population in the reserves to have increased from 2.3 million in 1916 to 3 million in 1936 – an average annual increase of 1.3 per cent. According to population census figures the total African population increased by 2.3 per cent a year between 1921 and 1936. See appendices B.8 and B.10.

103 C E Madavo, 'Dualism in the South African economy', unpub PhD thesis, University of Notre Dame, 1969, p 105. See also D Hobart Houghton, Some economic problems of the Bantu in South Africa, p 23 ff.

This line of speculation had little to do with the rural Africans in the Union in 1926. As Keyter argued, in the Southern Rhodesian context:

the forces of expropriation and coercion form part of a general ensemble of direct and indirect pressures which altered traditional agricultural practices and weakened the peasantry's subsistence base through a process of dissolution.

104

He describes the dissolution that characterised African reserves as follows. Firstly, the dissolving impact of European crop production resulted in time in the Africans being unable to compete. Second, land shortage meant that farming had to be intensive; and without capital intensive farming was impossible. Last, overstocking and overgrazing undermined the quality of the stock and led in turn to a decline in the number of stock held, even though in some places the numbers may have remained constant or even increased.¹⁰⁵

The process of dissolution made a vicious circle. Declining yields, overstocking, low prices, and overcrowding in some reserves – these produced a rising spiral of rural poverty which, in turn, led to Africans pledging their future crops and cattle to traders. This made for rising indebtedness which simply aggravated that poverty, and put pressure on the peasantry to offer their services as labourers.¹⁰⁶ Hence the labour migration for African men, as the only practicable way in which they could meet their cash needs.

This movement of labour between the reserve economy and the modern economy became circulatory in nature and was referred to as migratory. 'This term takes its metaphor from birds in their seasonal exodus in search of the means of life.' Thus instead of migrating permanently to the modern economy, Africans from the reserves went there to work for several months, returning home for ploughing – hence Hobart Houghton's term 'men of two worlds'.¹⁰⁷

104 C F Keyter, '"Underdevelopment" and cheap labour supplies in Southern Rhodesia 1923-1953', African studies seminar (University of the Witwatersrand, 4 July 1977) unpub paper, pp 7-11

105 Ibid. Keyter's remarks fit the pattern of dissolution in the Union reserves in the period prior to 1936.

106 See also Arrighi; C Bundy, 'Emergence and decline of a South African peasantry', *African Affairs*, v 71, 285, October 1972, pp 369-388; Legassick; H Slater, 'The changing pattern of economic relations in rural Natal 1838-1914' in collected ICS papers on The societies of Southern Africa in the 19th and 20th centuries, v 3, pp 38-52.

107 D Hobart Houghton, 'Men of two worlds', *SA Journal of Economics* 28, September 1960, p 178. See also N Gordimer, 'The Witwatersrand: A time and tailings', *Optima*, March 1968, p 23, and Madavo, p 103.

On the development and persistence of this migratory labour system Madavo wrote:

Push and pull factors did develop. The marginal productivity of African labour was much higher in the context of rapid capital formation and the availability of skilled white labour and enterprises in the modern economy. On the other hand the low productivity of labour in the reserves fell even further as antiquated techniques persisted in a situation of population pressures and soil erosion. While the centre of economic gravity had thus established itself in the modern economy, that of the changing African social structure remained in the reserves. There were thus two networks of centrifugal and centripetal forces. In addition, the migratory labour system began to acquire a life style of its own with the passage of time. It became the expected behaviour on the part of the employers, employees and the government. In short, it became institutionalized.

108

The institutionalisation of migratory labour was gradual. Its period of entrenchment in the mining sector can be traced to the accession to power of Hertzog's Pact government and their enactment in 1926 of the Mines and Works Act. After this date the mines shelved any further attempt to break the institutional constraints that kept Africans unskilled and wholly migrant.¹⁰⁹ From this time onwards they began to actively co-operate with the state in maintaining the migrant labour system which, they then insisted, was vital for sustained economic growth and development.

The positive effects of the migrant labour system were always stressed. It saved the African from starvation. It relieved population pressure on the land. It enabled the African to maximise his income. And furthermore, it cushioned the impact of western civilisation by enabling the tribal African to preserve his traditional way of life. It also guaranteed maximum profitability in the mining

108 Madavo, p 105. On migrant labour see also R T Bell, 'Migrant labour theory and policy', *SA Journal of Economics*, March 1972; H Wolpe, 'Capitalism and cheap labour-power in South Africa: From segregation to apartheid', *Economy and Society*, v 1,4, November 1972, pp 425-456; Madavo, pp 115-136; S T van der Horst, *Native labour in South Africa*, p 110 ff; M Ballinger, 'The historical background to the migratory labour system in South Africa', *Black Sash*, June/July 1964. On mining contract crises over production costs and labour see F Wilson, *Labour in the South African gold mines*, and detailed discussion below, chap 6.

109 The mines made their first attempt to bridge the gap between skilled and unskilled African labour just prior to the 1922 strike. The second major attempt was in 1946 when the Anglo-American Company tried to stabilise at least 10 per cent of the African labour force in the Free State mines. This move was foiled by the National party. See Madavo, p 107, and T Gregory, *Ernest Oppenheimer and the economic development of Southern Africa*, p 574 for details on why H F Verwoerd blocked this effort by Anglo-American to stabilise its labour force.

sector, hence the total economy benefited. This was openly acknowledged:

The gold mining industry of the Witwatersrand has indeed been fortunate in having secured for its unskilled labour native peasants who have been prepared to come to the Witwatersrand for periods of labour at comparatively low rates of wages. But for this fortunate circumstance the industry could not have reached its present stage of development... the results accruing from this cheap native labour supply have had a profoundly beneficial influence upon the general economic development of the Union.

110

The adequacy of African land and the interests of the white economy were closely linked. The attitude of capital towards the state's land policy was interpreted by Hobart Houghton in 1938 thus:

The effort to produce a plentiful supply of cheap labour from the reserves for White capitalists is one which requires very nice judgement....

If the Reserves are too prosperous the supply will not be forthcoming, if on the other hand, the economic screw has been tightened too much, the poverty in the Reserves will ... create a real problem for an influx of Natives whose efficiency is low and whose health is impaired by malnutrition will be an inevitable burden on the European community.

111

Evidently in 1926 most whites must have felt that the economic screw needed tightening, to judge by the plans for whittling down on land for Africans.

Moreover migrant labour was bad for land use and productivity in the reserves. But as with the questions of overstocking and congestion, once the reserves were seen as mere subsistence bases for the families of migrant workers, all matters of low or high yields lost their urgency.

Figures of production per head collated by both Macmillan¹¹² and the NEC¹¹³ show that in practically no area in the reserves were the inhabitants as a whole able to produce enough food for the most elementary requirements of health. The Mine Wage Commission's minimum requirement of 2.75 bags per

110 Report of the Witwatersrand Mine Natives' Wage Commission 1943, UG 21-44, pp 70-71

111 Hobart Houghton, p 14

112 Macmillan, pp 157-161. In his sample survey of the Herschel district he compares the agricultural census returns for 1918-1925 with the results of his fieldwork in 1924 and 1925. On the basis of his research he is able to prove the census returns as 'wholly unreliable' for Herschel and by implication for the rest of the reserves.

113 UG 22-32, annexure 1-14

annum (2 460 calories per head per day)¹¹⁴ was well above the average produced 15 years earlier. The estimates of R W Thornton, Director of Agriculture to the NEC, allow only for mealie meal or kaffir corn meal, and very little milk or meat. Lucas's comment on these estimates points to their effect:

It is not surprising ... that when a Native goes from the Reserves to work in European areas he is frequently not adequately nourished to perform hard work and must be kept at light tasks and be well fed for some days or even weeks before he can, without risking an outbreak of scurvy, be put to heavy work. It is also not surprising that the evidence showed that most Natives in the Reserves are in debt.

115

This sort of evidence completely contradicted the argument of most whites that the rural African with his 'primitive needs' could live comfortably on what the migrant remitted of his wages, together with whatever the land produced. But as Macmillan noted in 1930:

in South Africa at the time there was a general conscience-comforting idée fixe that the Native is a lucky being, able to live on very little, working only when it suits him - passing lightly between town house and country seat.

116

It needed far more than startling reports of a high incidence of infant mortality and malnutrition amongst Africans in the reserves to transcend white economic interests.

Macmillan set out to revise this view. Thus he showed that 'locations in Natal were heavily overpopulated, utterly dependent on wage-earning outside, and grossly neglected'. This was probably true of most reserves across the country, with their lack of transport facilities, roads and bridges; their erosion as the soil was stripped of vegetation, and manure burnt as fuel; the primitive pastoral methods, which could not possibly even feed the huge populations these lands had to bear; and lastly the lack of white interest shown in them, so aptly characterised by the fact that 'their position may be roughly gauged by a glance

114 UG 21-44, p 11. See also UG 32-46, p 49 and table v. According to the chief magistrate of Umtata, 124 230 bags of maize were imported into the Transkei in 1932 by rail; while the Mine Wage Commission estimated that at least 100 000 bags per annum were imported by road (quoted in UG 32-46, annexure xi, p 75). The Transkei was described as the most fertile overall of all the reserves.

115 UG 22-32, para A59

116 Macmillan, p 118

at a railway map which will show what areas the railways avoid.'¹¹⁷

Further, the net annual product of African agriculture in the reserves in 1923 was put at about £7 500 000 by the EWC.¹¹⁸ On that basis S Herbert Frankel submitted:

Assuming that the number of Natives between the ages of 15 and 50 occupied in agriculture was 1 500 000, it appears that the average income per occupied Native in these areas was about £5. This result is not as surprising as it seems when it is borne in mind that Professor Macmillan estimated the average size of an agricultural holding in the unsurveyed Native areas to be one morgen, and the consuming power per head of the population in the Reserves to be not more than £3 per annum; this amount including what was sent home in wages.

119

The significance of this low productivity is clearer

when it is pointed out that the Native population in the reserves, and those who are merely being tied to wasteful farm service for part of the year outside the reserves, amounting to not less than 3 000 000 people, are and have for years been just able to exist on what is avowedly an undernourished standard of life, having saved nothing and built up nothing, but on the contrary have denuded the soil.

120

The very low production per head in 1930 was hardly a bulwark against anything but starvation. Land shortage was becoming more critical with each year of delay. With all that, the mass of African people had no defence against grave economic exploitation.

117 Ibid, p 135. In contrast the EWC reported: 'Since the date of the Report [Transvaal Indigency Report 1908], there has been a very considerable extension of railways in the country districts. In 1910 the open mileage of railway in the Union was 7 586 and at the end of March, 1925, the mileage of Government-owned lines aggregated 11 528. There has been a further increase since then and the extension of railway facilities, together with the remarkable development in motor transport which has taken place since 1910, has had a great effect in removing some of the causes of (white) rural backwardness.'

118 Report of EWC, UG 14-26; S H Frankel & E Brookes, 'Problems of economic inequality', in E Brookes et al, Coming of age, p 159

119 Ibid

120 Ibid

Hertzog's land policy objectives reassessed

So the evidence suggests that the Hertzog government was less concerned with land itself than with augmenting the labour supply through land legislation. The link between land and labour legislation is not a new idea. As Macmillan said at the time:

'Many or most of the Bantu people are economically little more advanced than 100 years ago.... Yet, with little help from us, the Bantu millions have been called upon in the space of three generations or less to adapt themselves somehow or other to live on what may be put at a rough estimate as about one-fifth of the land they lately held, albeit in their own promiscuous way.'
In the face of this changed situation the one thoroughly consistent policy that he finds is 'to induce or indeed to put pressure on the Native population to supply labour for farms, mines and general industries'.

121

He goes on to show how successful this policy had been, and that 'Natives come to look for work in towns not because they have come to like and choose it, but far more from sheer necessity, to avoid starvation on the land.'¹²² Bundy and various underdevelopment theorists have shown that early land legislation undermined the economic base and independence of the African peasantry. The findings of the NEC confirm this.¹²³ The commission also showed conclusively that earlier land laws forced Africans into the wage economy far more successfully than their planners had hoped. These land measures so restricted the economic development in the reserves that each year an increasing number of people were made landless, or so impoverished that they had to move into the urban areas and industrial and farming sectors to avoid 'starvation on the land'. This ever increasing influx of Africans from the reserves produced its own difficulties, leading to the view championed by Colonel Stallard that the urban areas were the creation of the white man, and 'surplus' or 'redundant' Africans from these areas should be repatriated to the reserves, to be redirected to meet the labour demands in the primary sectors.¹²⁴

121 F Wilson & D Perrot, 'Land and poverty' (editorial), Outlook on a century, March 1925, p 286

122 Ibid. See also Macmillan, chap 14.

123 For references and explanation of concept see n 2.7 and Keyter, n 2.104-106.

124 In a general questionnaire NEC 57/1, 'native migration' was thoroughly investigated under questions 17-19 (UG 22-32, annexure 6, p 252). Respondents who answered these questions almost always linked the existing land restrictions with the increased flow of labour from these areas. See also addendum paras 214-216, where the main points of these replies are summarised; chap 8 below; and appendix B.9.

In the 1920s, however, this was a minority view. Rodney Davenport writes:

'Segregation', as a slogan, did not in itself define urban policy, for it left two courses of action open: either the strict implementation of the Stallard doctrine that in urban areas white men had rights and black men had none, or the partition of urban areas into parcels in which black men and white men had separate rights.

125

The second course was adopted. Local governments could only deport Africans from the urban areas 'who were habitually unemployed, those who had no honest livelihood, and those who were idle, dissolute, or disorderly'.¹²⁶ In the remarks quoted earlier Hertzog and Herbst were seen to have no intention of deviating from this course. The removal of Africans from the urban areas to the reserves was not thought practicable at this time.

This, however, did not apply to squatters in the so-called white rural areas. Hertzog was determined to solve the squatting problem once and for all. Here several factors are important. First, despite attempts to segregate Africans and stop squatting, especially on unoccupied white owned land, there were nearly two million Africans living outside the areas scheduled for African occupation in 1926.¹²⁷ The number of illegal squatters in these areas had showed a steady increase over the years and continued to grow. This made a mockery of the principle of territorial segregation. A comparison of the census figures for 1911 and 1921 by Robertson shows the fallacy of segregation:

This comparison shows no displacement of natives from European farm lands, even in the provinces most affected by the 1913 Act; in fact, despite the exodus of natives owning stock which could no longer be accommodated on the farms after 1913, so graphically and painfully described by the late Sol. T. Plaatje in his Native Life in South Africa despite the ravages of the influenza epidemic in 1918, the native population of the Free State increased from 325 824 to 421 978 between the two censuses, and it was estimated at 528 400 in 1931.

128

A comparison of Robertson's estimates with the 1936 census shows that more than 50 per cent of the African population resided in the 'white areas'. There were in fact 635 000 in the 'white' rural and urban centres, as against 2 962 000 in

125 T R H Davenport, 'African Townsmen? South African native (urban areas) legislation through the years', African Affairs, v 68, 271, 1969, p 98

126 *Ibid*, p 99

127 For detailed analysis of squatting see chaps 4 and 5.

128 H M Robertson, p 151

the reserves as the following table shows: ¹²⁹

Table 2.7 RURAL AND URBAN AFRICAN POPULATION 1936

	RURAL			URBAN	Total population
	African areas	Outside African areas	Total rural		
Cape	1 446 000	380 000	1 826 000	219 000	2 045 000
Transvaal	592 000	1 162 000	1 754 000	691 000	2 445 000
Natal	904 000	522 000	1 426 000	128 000	1 554 000
O F S	20 000	429 000	449 000	104 000	553 000
Union total	2 962 000	2 493 000	5 455 000	1 142 000	6 597 000

Margaret Ballinger interpreted the policy of underdevelopment in the reserves and the corresponding increase of Africans in the white sector thus:

In spite of skilful window dressing propaganda, designed to justify the policy as an essential condition of the survival of white civilization, this was, and is, in effect, a cheap labour policy by which it was proposed to meet the demand for labour by the increase in the supply on conditions which would prevent any serious rise in the cost to the employer. In other words, by cutting the potential labourer off from ownership of or tenancy on land other than in areas too restricted to accommodate more than a fraction of the population it sought to deprive him of any alternative means of livelihood and thus to increase his dependence on employment in the labour market and his inability to bargain as to its terms.

130

The idea that the original land legislation was designed to solve the labour shortage was a recurring theme in African protest. For example, in 1928

D D T Jabavu wrote:

The secret but unmentioned purpose of the 1913 Land Act is to confine the black man within such circumscribed limits that he should never be territorially independent, but be compelled by intolerable congestion to go out of his habitat and seek labour with whites and thus constitute a never-dying reservoir of cheap unskilled labour, especially for the farmers.

131

129 UG 32-46 quoted in SAIRR, *Our native reserves*, p 1

130 M Ballinger, 'Problems of farm labour shortage', unpub MS D70/80/1 3(j), Margaret Ballinger papers, UCT, p 4

131 Jabavu, *The segregation fallacy*, p 41. For reasons why an urgent solution to the labour problem was deemed necessary, see chap 5 below.

The SANNC more than 10 years earlier passed a resolution in similar vein:

the ulterior object of the Government as well as the real desire of the white population of the country is:-

to deprive the Natives as a people of their freedom to acquire more land in their own right. To restrict or limit their right to bargain mutually on even terms for the occupation or settlement on land. To reduce by gradual process and by artificial means the Bantu people as a race to a status of permanent labourers or subordinates for all purposes and for all times with little or no freedom to sell their labour by bargaining on even terms with employers in the open market of labour either in the agricultural or industrial centres.

132

If these assessments were correct, Hertzog, through his land policy, aimed to deprive the Africans of their land so as to force them onto the labour market as cheap labour. If, moreover, only a fraction of the total number of Africans were to be accommodated in the reserves, the inference that can be drawn is that Hertzog's land policy was biased in favour of the farms and not the mines. A policy in the interests of the mines would have aimed at providing enough land in the reserves for African subsistence. The perpetuation of the migrant labour system would thus have been assured. The 1926 land proposals, with their reduced land allocation, restrictions and conditions, appear therefore to have favoured the farmers.

In his 1926 report where the Secretary for Native Affairs discussed the farm labour shortage, his comments add weight to this view. He adopted a placatory tone, quite unlike his warning to African dissidents, that the department would find it hard to keep even these lands scheduled for release. Judging by what was reportedly said at a conference convened for representatives of the farming industry, Herbst's warning was based on fact, for at that conference 27 farming representatives had been called together 'with a view to the discussion of the preliminary draft of the Natives' Land Amendment Bill. The farmers' objections were noted' - and Herbst went on to disclose 'that modifications have been effected in the draft in the light of the helpful criticism obtained from varying quarters.'¹³³

132 Karis & Carter, 'Resolution against the Natives' Land Act 1913 and the report of the Natives' Land Commission, by the South African Native National Congress', 2 October 1916, v 1, doc 26, p 86

133 UG 14-27, p 7 and *Cape Times*, 28 November 1926. See also cl 6a, Natives' Land Act (1913) Amendment Bill. The Bill was drawn up and gazetted in 1926: see *Gazette Extraordinary*, 23 July 1926.

The suggestion here is that in making it difficult, if not impossible, for Africans to acquire extra land, Hertzog showed he identified with the farmers' fears that the release of that other land would exacerbate the alleged labour shortage in two ways: first, it would provide a haven for those squatters who refused to work on white farms under the now more restrictive labour tenancy conditions; second, it was feared that once resettled in the reserves these farmer squatters would be lost to the white farmers as a source of labour. The reserve Africans' seasonal period coincided with that of their white counterparts and were therefore not available at the busiest time for farming. Reserve Africans had up to then served as the mines' main labour supply.

Macmillan, in a unique study of the poverty and increasing impoverishment of both Africans and whites, considered Hertzog's segregation policy from another angle. Hertzog's segregation solution, he believed, was an attempt also to solve the poor white problem. Hence the promotion of the idea of Africans 'developing along their own lines'. Considered in this light, Macmillan claimed in 1929,

nothing abashed by facts, to which, indeed, it turns a blind eye, and with the confidence of ignorance, a good deal of South African opinion takes refuge in catchwords and slogans as a substitute for hard thinking. Even for a good many high minded altruists 'segregation' has an appeal. Natives are to be free to develop 'on their own lines' in the Reserves which, it is said, they now so pitifully abuse. With the best will in the world many South Africans see only the desperate plight of their own kith and kin, the Poor Whites, and the devastating effect of their exposure to competition with poor blacks for unskilled employment. In desperation they look to measures designed to keep the races apart 'as far as possible' ... they contrive to shut their eyes, with the rest of the electorate to the truth even about the land, satisfied in their own minds that there is quite enough land, 'if it were properly used', and nothing to prevent Natives living their own separate lives if they would.

134

The fear of inter-racial competition in the towns was not the main influence on Hertzog's land policy. In the 1920s a far more predominant theme was still the 'back to the land' policy advocated by some Nationalists as the best solution to the poor white problem.¹³⁵ By evicting squatters, many claimed, land would become available for the resettlement of poor whites and the depopulation of the rural areas would thereby be checked. In some respects these views were endorsed by the EWC. They may have done so as a counter to the growing

134 Mac millan, p 131

135 The 'back to the land' policy and various views on its efficacy are discussed in detail in chap 7 below.

support for the Stallard doctrine and the 'civilised labour policy'; or because, after their extensive investigation of the place of poor whites in agriculture, they recognised the merit in giving them some security on the land. Whatever their motive, they pronounced unequivocally in 1925:

We wish to record our own conviction that the chief need is to check the drain from the land at the source, by making it possible for the agriculturalists, who become 'Poor Whites' when they are detached from the land, to continue to earn a livelihood in agriculture.

136

They elaborated on how this could be achieved:

It is necessary, therefore, to provide for assistance in obtaining holdings. The existing scheme of the Department of Lands, which enables an intending occupier to obtain in advance for the purchase of his farm, repayable over a term of years, is capable of extended application. In districts like the Eastern Free State, distinguished by the progressive character of its agriculture, there is a great unsatisfied demand for holdings of their own on the part of the farm overseers and bywoners. In one case, the offer of twelve holdings by the Land Board attracted over 800 applicants, the majority of whom were the type of applicant that the scheme is intended to assist. In the Free State again, the entire funds appropriated to assist land purchase during the current financial year were exhausted before half the year had elapsed. The easier terms introduced in the present year, by which initial payment required from the intending purchaser was reduced from a fifth to a tenth of the purchase money and the subsequent annual instalments spread over 40 instead of 20 years, appear to have brought purchase of holdings for themselves within the reach of practical agriculturalists who could not consider it before. It would appear necessary, however, to supplement purchase by provision for tenancy as well as ownership.

137

The questionnaire sent out by the Clay Commission in 1925 suggests that they were also looking for more land to distribute. The sort of area the government had in mind is suggested by the responses elicited from the major land companies, for example, that of the SA Land & Exploration Company:

Native tenants are not desired by my Company, but as it is generally understood that the Native Affairs Department is anxious that natives should not be evicted, as there is not sufficient accommodation for them elsewhere, they have been allowed to remain.

The Company, however, is always anxious to sell to white men, if possible, and it is not influenced in its negotiations by the fact that it may be receiving rents from native squatters on any particular farm. The land is not formally leased to the natives and my Company does not accept service in lieu of rent, or payment in kind.

138

136 Report of the EWC 1925 (the Clay Commission), UG 14-26, p 113

137 *Ibid*

138 *Ibid*, p 367. See also their accompanying chart for details of land company areas in the Transvaal leased or purchased by whites, appendix B.10 below. See chap 4, p 155.

How the objections to the 'generous allocations' of land to Africans were met has already been sketched. The areas were changed and reduced. The government had shown itself willing to compromise on the land issue to make it more palatable to whites.

Tatz argues from a very different premise. Central to his thesis is the argument that 'to a great extent the Land Bill was to be additional compensation - the granting of the "substance" of land for the "shadow" of the vote.'¹³⁹ In his evaluation of the Natives' Land Act (1913) Amendment Bill tabled in 1926, Tatz says this was

first an attempt to further and make final the principle of territorial segregation; secondly, it was to be the whole basis of what was later called the 'Bantustan' concept: the separate areas for the different races in which the parallel institutions of African councils would be an indispensable method of providing Africans with some outlet for their political ambitions; thirdly, it was to be the major inducement to Africans voluntarily to surrender their entrenched franchise.

140

The link in Tatz's interpretation on the land and franchise questions as suggested in the title of his book - Shadow and substance - is based presumably on Hertzog's rationalisation that 'the "shadow" of the vote, the snare, hypocrisy and "Nessus-Shirt", was to be replaced by the solid "substance" of the land, forever a burning economic question in African life'; as well as on Hertzog's strategy in using the land question as a 'convenient bargaining point: a major grant of land rights in exchange for the surrender of the vote.'¹⁴¹

Tatz's interpretation is the basis for later analyses of South Africa's race policies.¹⁴² Although there have been other interpretations recently,¹⁴³ Tatz's basic view of the land and franchise link remains unchallenged.

139 Tatz, p 77

140 Ibid, p 48, and p 85 where these premises are repeated.

141 Ibid, p 15. Traditionally, South Africa's race policies are seen to be evolutionary. Hertzog is acclaimed as being the spiritual father of the segregation policy. This evolutionary, lineal trend is the theme running throughout Tatz's thesis.

142 Ibid

143 The most significant challenge has come from writers who criticise Tatz for omitting any reference to the relationship between the land question and Hertzog's urban areas policy, notably Davenport (see Bibliography).

His thesis however merely underlines the distortions in Hertzog's explanation of his own policy, for it is much more likely that, by linking the land and franchise Bills, Hertzog was trying to present as an advantage to Africans something he really intended to be of prime benefit to white farmers.

This argument presupposes that Hertzog's policy statements are less than reliable. Our examination of the actual draft Land Bills tabled in 1926 and again revised in 1929 revealed: Hertzog had in fact abandoned the idea of removing all illegal residents in the white rural areas to the reserves. Secondly, the segregation ideal – Tatz's 'Bantustan' concept – had no validity except perhaps as a ploy in political rhetoric: whites rejected any suggestion that the reserves be developed or conserved. Again, the promise of extra land may have been a sop to white opinion. But since Hertzog was not in fact offering the Africans an iota of the 'substance' promised in 1913, his policy could not possibly have been even a slight inducement to Africans to surrender their entrenched franchise rights voluntarily – let alone a major inducement as Tatz suggests Hertzog had hoped it would be. The reduced land grants therefore had no value as a bargaining counter. In any event, Hertzog had resorted to other means of reducing and devaluing the franchise. In this sense the immediate threat to white supremacy had been averted.

From the Africans' side, Hertzog's policy statement welded Africans north and south of the Orange River into a vocal and cohesive opposition acting solidly together as they had not done previously, not even in 1913 when land segregation was first instituted.

What Hertzog wanted, and what helped shape his segregation policy, was the sort of scheme found in the ex-Boer republics and implemented contemporaneously in the OFS. Why then did he keep up the myth of segregation? Several possible motives and contingent conflicting needs of the different groups and sectors have been suggested in the course of discussion thus far. These, and the solution adopted by Hertzog to accommodate the apparently conflicting sectional needs and demands, form the basis of the analysis that follows.

3 THE SEGREGATION IDEAL: A POLICY OF RETRIBALISATION

Problems arising out of the Botha/Smuts policies

Hertzog's administrative solution

Legislation by executive decree

Implications of Hertzog's resolution

a For different groups:

Retribalisation in the interests of whites

The chiefs and the policy of retribalisation

Africans on the receiving end, and their reaction

The administrative bible - an official view of the 1927 Act

b Afrikaner nationalist ideology

c Social consequences - African land shortage and urbanisation

In redefining the Union's 'native policy', Hertzog also planned its administration.¹ Addressing his Malmesbury constituents in 1925 he argued for a 'difference in treatment of Natives and Europeans' which he explained thus:

There is a difference in nature, habits, development and civilisation and this will long continue, and in proportion to that difference there will necessarily be a difference in requirements, which will call for differential treatment - not only as regards legislation but also in administration.

2

By 1933 Hertzog had set up a complete parallel administration for African affairs. Departmental jobs proliferated and so did the number of separate and discriminatory measures for controlling Africans. The portfolio of Native Affairs, fused with that of the Prime Minister since 1914, was separated again in 1926. With this change the personnel increased and their status and tasks were all redefined. These changes heralded a new era in African administration, and the department itself was well on the way to becoming the imperium in imperio it is today.³

But possibly the most significant development in African administration during Hertzog's time in office was the Native Administration Act of 1927.⁴ This Act was the first breakthrough towards uniformity in African affairs, something Hertzog's predecessors had been unable to achieve. The problems facing the Hertzog government after failure of the Botha-Smuts policies will be examined in the first section of this chapter.

Hertzog's administrative solution was important in other ways besides. It began to reverse the assimilationist trend of gradually accepting urban Africans into western industrialised society. Uniformity was the keynote in the changes it

1 See Brookes, The history of native policy ... and The colour problems of South Africa; Brookes et al; A S Griffiths, 'The development of native policy in the Transkei and Glen Grey between 1870 and 1900', unpub MA thesis, UNISA, 1939; Handbook, chaps 3 and 4; W J G Mears, 'A study in native administration: The Transkeian territories 1894-1943', unpub PhD thesis, UNISA, 1947; Rogers; J R Sullivan, The native policy of Sir Theophilus Shepstone; A van Lille, The native council system with special reference to the Transvaal local councils; F Wolfson, 'Some aspects of native administration in Natal under Theophilus Shepstone, Secretary for Native Affairs 1857-1875', unpub MA thesis, University of the Witwatersrand, 1946; E R Garthome, The application of native law in the Transvaal; D Welsh, The roots of segregation 1845-1910 and 'The cultural dimension ...', pp 35-53; and H J Simons, 'The law and its administration', Handbook, chap 4, pp 41-108.

2 J B M Hertzog, The segregation problem, p 11

3 E G Jansen, MP for Vryheid, was appointed Minister of Native Affairs in 1926. For staff changes, see NAD report 1922-1926, UG 14-27, p 1. For changes in status of various officials, see Native Administration Act 38/1927, chap 1.

4 Act 38 of 1927, amended by Act 9 of 1929

made in government, such as in establishing administrative courts and delegating wide legislative authority to the executive. It limited the power of the courts to intervene and set aside judgements of the Governor-General whose discretionary authority over all Africans was greatly extended under the 1927 Act. We shall study these and other changes in the second section.

The 1927 Act and the administrative system it represents can be seen from yet another angle. It was the first link in a chain of measures leading to the refurbishing of African traditionalism, with the emphasis on ethnic and cultural separatism. The implications of the Hertzog solution for various groups will be studied in the last section. We shall focus on how the administrative system was designed to articulate and reinforce the interests of social classes; how it was made so as to preserve the cultural differences and inequalities in status of the African and white groups; and how the system gave the segregationists their ideological inspiration.

In evaluating the Hertzog ministry's administrative policy in these terms, the discussion rests a good deal on the government's preoccupation with uniformity and their insistence on it in all aspects of African affairs. Why this stress on uniformity should have been so great is therefore one of the first questions to be answered.

Problems arising out of the Botha/Smuts policies

A basic contention here is that the Appeal Court ruling in the cases of Thompson v Kama and Stilwell v Kama,⁵ which declared the 1913 Natives' Land Act ultra vires in the Cape, confirmed Hertzog in his decision that the Cape franchise, as it then was, had to go. As we shall show, this ruling had thwarted earlier plans by Botha and Smuts to reform the administration on a uniform basis.

In 1917 Botha introduced the Native Administration Bill. It was designed to turn the principle of segregation, laid down in 1913, into reality; it defined the demarcated areas to be released and added to those scheduled in 1913.

5 Thompson v Kama and Stilwell v Kama were heard as a single case, 1916 EDL 319 and 1917 AD. The judgement of Justice Solomon (Chief Justice of South Africa) and Justice Juta is also fully reported in the Report of the Select Committee on the Native Administration Bill 1917, SC 6a-17, appendix C, pp xi-xxx.

In this way the division of the Union into 'native' and 'non-native' areas was to be finalised. The Bill introduced a separate administration system for these separate areas, and as Brookes noted, 'all institutional arrangements of the Bill hung on the principle of territorial segregation.'⁶ Overall, it was an attempt to harmonise the various systems of African administration inherited by the time of Union by introducing a system of administrative uniformity in the rural 'native' areas.

When the 1917 Bill was drafted and tabled there was no reason for the government to think that a uniform system in the segregated areas could not be achieved. The 1913 Natives' Land Act had been in operation throughout the Union from the time it was passed.

The applicability of the land restrictions under section 1(2) of the 1913 Act⁷ had been tested in the Eastern Cape Division, and the court had confirmed their general extension to the Cape. This ruling was given shortly before the 1917 Native Administration Bill was tabled.

During the debate Morris Alexander referred to this ruling and pointed out that

the result of the measure is going to deprive the Natives of the franchise. If this is to be done let it be done straightforwardly and not by a side issue.

8

He based his assertion on the fact that the lower court had shown that the saving clause 8(2)⁹ in the Principal Act had failed to protect the voting rights of all Cape Africans.

Alexander was correct here. Since Chief Kama was already a registered voter, as far as the court was concerned his franchise rights were not being prejudiced by preventing the land transaction between himself and Thompson and Stilwell from taking place. They therefore declared the transaction null and void ab initio

6 Brookes, *The history of native policy . . .*, p 164

7 This section made it illegal for anyone other than an African to acquire land or an interest in land in a scheduled 'native' area.

8 *Cape Times*, 20 April 1917

9 Clause 8(2) enacted that 'Nothing in this Act contained which imposes restrictions upon the acquisition by any person of land, or rights, thereto, interests therein, or servitudes thereover, shall be in force in the Province of the Cape of Good Hope, if and for so long as such person would by such restrictions be prevented from acquiring, or holding, a qualification whereunder he is or may become entitled to be registered as a voter at Parliamentary elections in any electoral division in the said Province.'

under section 1(2) of the 1913 Act. This section had made it illegal for whites to get a vested interest in land scheduled as a 'native' area. The court's construction in effect meant that the law would judge each individual case on its merits where there was a dispute over land or interests in land in the Cape between the two race groups.

Kama disputed the ruling that he could not raise a bond on his property, and he lodged an appeal against the court's decision. The case was heard by Chief Justice Solomon and Justice Juta of the Appellate Division, and his appeal was upheld.¹⁰

According to Solomon - and Juta agreed - the exemption clause applied to all Africans in the Cape, whether they were potential or registered voters. The land restrictions diminished the rights of these voters, in his view, and so were 'contrary to the spirit though not to the letter of section thirty-five of the South Africa Act'.¹¹ He argued that one of the objects the legislature had in inserting the exemption clause into the 1913 Act 'must have been to protect the franchise rights of the Natives in the Cape Province'.¹² He concluded:

if the Natives can by such a law as this be deprived of the right of acquiring the occupation qualification, there is no reason why their franchise rights should not be further whittled away by other laws passed in disregard of the safeguards laid down in section thirty-five of the South Africa Act. 13

This interpretation of clause 8(2) led Solomon to find that

until or unless the occupation qualification was repealed it follows that the restriction placed by section one(2) upon the acquisition by a person other than a native of land in a scheduled area is not in force in the Cape Province. 14

His construction then led to the Natives' Land Act of 1913 being declared ultra vires in the Cape in May 1917.

The court's verdict was announced two weeks after a Select Committee on the 1917 Bill had started work. It was only then, therefore, that the Committee acknowledged that the court's ruling might have legal implications for the Bill as

10 The AD case had been noted but not heard when the Native Administration Bill passed its second reading and was sent to a Select Committee which began its deliberations on 24 April 1917.

11 SC 6a-17, p xxiv

12 *Ibid*, p xv

13 *Ibid*

14 *Ibid*, p xxiv

well. On 25 May 1917, therefore, E L Matthews was called in as law adviser to give evidence before the Select Committee.¹⁵

Matthews looked at the saving clause 28(2) in the 1917 Bill¹⁶ and decided it had precisely the same effect as section 8(2) of the 1913 Act – that is, it noted the existence of the voting qualifications of Cape Africans and sought to protect them. He therefore agreed with Solomon and Juta that

it was the intention of the Legislature that Natives should not, except as prescribed, lose by a law in one form rights which they could only have lost by a law passed in another form 17

and also with their decision that

the restrictive provisions of the Act are to have no operation in the Cape so long as the occupation qualification continued in that Province. 18

Matthews said the only alternative would be for Parliament to enact 'a new franchise law which will allow of their application.'¹⁹ This meant removing the Cape African franchise. Does this explain why the 1917 Bill was withdrawn?

The Minister closest to the Bill, F S Malan, first 'defended the principle of territorial segregation as the only possible way of arriving at a uniform Native policy'.²⁰ But, says Kallaway, he then supported the Bill's withdrawal 'partly

15 The full text of E L Matthews' opinion is set out in a memorandum 'on certain provisions of the Native Administration Bill', 28 May 1917, SC 6a-17, appendix B, pp iv-xi.

16 Subsection 28(2) of the Native Administration Bill reads: 'Nothing in this Act contained shall be construed as modifying any provision of section thirty-five of the South Africa Act 1909'

17 SC 6a-17, p vii. It presents an interesting legal problem, for this interpretation was obviously ignored in the drafting of other laws. J F Herbst refers to this in 1930 in saying 'that legislation prescribing franchise qualifications is what is contemplated under the South Africa Act and not any law which does not purport to deal with electoral qualifications even if it does happen indirectly to affect individuals in their efforts to qualify for the franchise. To hold otherwise would be to pronounce a vast amount of legislation already on the statute book as *ultra vires*: e.g., the South Africa Defence Act, No 13 of 1912; the Natives (Urban Areas) Act, No 21 of 1923; the Native Administration Act, No 38 of 1927.' See 'Memorandum by Secretary for Native Affairs on chapter 3 of the Native Trust and Land Bill' in Reports and proceedings of the Joint Committee on Native and Coloured Persons 1930-1934 (supplement to Joint Committee 1-35) (JSC 1-35), appendix B, p 121.

18 SC 6a-17, p vii

19 *Ibid*

20 P Kallaway, 'F S Malan, the Cape Liberal tradition and South African politics 1908-1924', Journal of African History, v 15, 1, 1974, p 118

because it conflicted with the entrenched clause in South Africa's constitution, the South Africa Act.²¹ Kallaway elaborates:

Unlike Hertzog however, Malan did not have a 'dual motive' in mind when supporting this legislation, ie territorial and political segregation. For better or for worse, Malan wished to keep the franchise issue separate and sacrosanct. 22

Tatz says much the same:

In view of the enormous difficulties of which the franchise problem was probably of the greatest influence, the government withdrew the Bill completely after the Select Committee's Report. 23

Brookes suggests a second reason for the Bill's withdrawal: the Bill 'foundered on the rock of its land distribution provisions'.²⁴ He commented perceptively at the time:

Never was there a more striking illustration of what the South African attitude towards segregation really means. Lip-service to the principle was accompanied by a total unwillingness to face the sacrifice of detail involved. Many a man is elected as a segregationist, who would be rejected with contumely did he fight the election on the plank of more land for Natives in his own constituency. 25

A perusal of the evidence from whites before the 1917 Select Committee confirms Brookes's contention. Their rejection of the Beaumont recommendations led the Select Committee to propose the appointment of local committees to revise the Beaumont schedule. Even when the local committee recommendations the next year reduced the areas to be released by some 2 000 000 morgen, these too were found unacceptable,²⁶ and the new schedules were rejected by Africans and whites.

21 Ibid, p 119

22 Ibid, p 118

23 Tatz, p 34

24 Brookes, *The history of native policy ...*, p 144. A Smurthwaite, 'The policy of the Smuts government towards Africans 1919-1924', unpub MA thesis, UNISA, 1975, p 24 suggests that the Native Affairs Act was directed more towards the Cape tradition 'as an attempt to prevent further gains for the Nationalists and to maintain Unionist support in the post war years'. Kallaway argues that it was 'a humane native policy, in keeping with the spirit of Versailles'. He sees the South African mandate, the Rhodesian question, and the possible inclusion of the protectorates as further reasons for the more 'liberal' policy adopted. All these are important but do not explain why the Native Affairs Act deviated from the policy principle of territorial separation which Kallaway concedes F S Malan supported.

25 Brookes, *The colour problems ...*, p 58

26 See chap 2, pp 74-77.

The land and franchise questions were thus important reasons for the Bill's withdrawal. Yet neither explain why the administrative provisions in the 1917 Bill also came to naught. Matthews' interpretation suggests a third reason: if the 1917 Bill had been passed without first abolishing the Cape franchise and/or deleting the saving clause 28(2), then as well as the restrictive clauses under the 1913 Act becoming inoperative, so would the clauses allowing the Governor-General-in-Council to legislate by proclamation in 'native' areas.²⁷

Legislation by proclamation was an important element of the new administrative policy under the 1917 Bill, and its inoperation in the Cape would be another blow to uniformity. Matthews was explicit on the point. He explained the legal implications of extending legislation by proclamation to the Cape in these words:

the Government might by proclamation in a Native area destroy those very rights of persons resident therein which are entrenched by section thirty-five of the South Africa Act; and might do this by enacting restrictive legislation as to the occupation of land. 28

In that case, he said,

the Government might under the Bill have greater power than Parliament, and Parliament might endow the Government with powers that Parliament itself does not possess. 29

So, the 1917 Bill might give the government such power that it could whittle away the franchise rights from Africans that were entrenched in the South Africa Act.³⁰ With the Bill's provision to empower the government to rule by executive decree, there seemed even more reason for withdrawing the 1917 Bill.

Furthermore, clauses such as those for legislation by proclamation³¹ and the new judicial system³² with special African courts presupposed the prior definition of scheduled reserves. As E E Dower, Secretary for Native Affairs, explained to the Select Committee: 'If the schedule is carried as it stands every native area

27 SC 6a-17, appendix B, p v

28 *Ibid*, p ix

29 *Ibid*

30 See Chief Justice Solomon's interpretation cited above p 107, n 3.13.

31 Section 8 deals with government by proclamation in definite 'native' areas. See E E Dower's evidence, SC 6a-17, paras 30-106 for detailed analysis.

32 Section 9 deals with the proposed judicial system. See E E Dower's evidence, SC 6a-17, paras 106-119.

in the country would ipso facto, fall under this law.'³³ He conceded, though, that whites in these areas would object and that to have to administer some of the smaller scattered 'native' areas would give rise to complications. These peoples and areas could be catered for, he said, by having 'two separate schedules of areas' and by amending sections 8 and 9 to suit the change.³⁴

By the Committee's response to these suggestions, they were well aware of the complications.³⁵ After the 1917 Bill, the fact that no area could be defined by statute in the Cape must have finally persuaded the Committee to recommend the withdrawal not only of the contentious schedule but the administrative provisions too.

So the 1917 ruling that the 1913 Act did not apply to the Cape made a Bill of uniformity impossible. At the same time the failure to define the 'native' areas in the other three Provinces put paid to introducing some of the administrative provisions of the 1917 Bill: the establishment of an advisory body, for example, to decide on matters affecting the defined 'native' areas; or the creation of a separate judicial system; or legislation by proclamation. The government was forced to accept that until African areas had been settled once and for all, the administrative provisions would have been hard, if not impossible, to execute.

Presumably these were also the reasons why only those parts of the 1917 Bill that did not depend on defined African areas were reintroduced in 1920 under the Native Affairs Act. A comparison of the 1917 Bill and the 1920 Act suggests this. The NAC constituted under the 1920 Act was to advise on all matters affecting Africans, not only on those related to 'native' areas as provided for under the 1917 Bill. The local councils, although still confined to 'native' areas, were in 1920 to be complemented by a new provision (clause 16) for summoning a national Natives Conference. Of these Conferences Brookes said at the time that they 'may eventually be evolved into institutions which will represent Natives as a whole rather than the inhabitants of Native areas.'³⁶ Lastly, the administrative arrangements under the 1917 Bill disappear entirely from the Act of 1920.

33 SC 6a-17, para 92

34 Ibid

35 The evidence of J B Moffat, Chief Magistrate of the Transkei, is also of interest. He said that under the extant system of legislation by proclamation in the Transkei, proclamations applied to 'the whole of the Transkeian Territories, and they apply to European areas also'. He added that the system had worked well, 'although occasionally you hear of people grumbling.' SC 6a-17, para 3639.

36 Brookes, The history of native policy . . ., p 144, and see pp 142-145.

In all these respects the 1920 Act shows the government's administrative policy had moved away from a system confined to the segregated areas. Smuts was the first to admit this and that the earlier policy had failed. Introducing the Native Affairs Bill in 1920 he added:

nine years ago our programme laid down that the Natives should not become a party question, that we should secure for the Natives their natural and distinct development as opposed to merely Europeanising them, and that all grounds for future discord between White and Black should be avoided. We have succeeded in the first; we have failed lamentably in the other two aspects. 37

In fact, statements during the 1920 debate show that the opposition felt the SAP had failed in their first aim as well.

Smuts's 1920 Native Affairs Act, though welcomed by African leaders as a real step away from 'native' areas and hence territorial segregation,³⁸ was denounced by Smuts's opponents. Smuts was accused of betraying the ideal of segregation. The MP for Waterberg, P W le Roux van Niekerk, opposed the measure 'omtrent die niet deurgaan van die wet omtrent demarkatie van areas vir die Kaffers'.³⁹ He was supported by A S van Hees, MP for Christiana,

on the ground that it said not a word about segregation, that it paid no regard to the interests of the white man, that its ultimate effect would be to extend the franchise to the Native. 40

The conclusion drawn by many Nationalists was that the Act represented the abandonment of the segregation policy. And Hertzog agreed. He criticised the Bill because 'it did not go far enough. Native areas', he said, 'ought to be defined as soon as possible.'⁴¹ To him, a general segregation policy basically meant territorial segregation, and this had not been achieved.

Failure to define the reserves doomed the SAP's administrative policy in 1917. Under the 1920 Act segregation had been dropped as unworkable, although 'much lip-loyalty' continued in favour of separation.

37 *Cape Times*, 27 May 1920. For a detailed discussion on the Native Affairs Act see Smurthwaite, pp 53-74, and Kallaway.

38 See Jabavu, *The black problem*, p 23. According to Walshe (pp 101-102), the Cape Congress at first opposed the measure strongly, seeing it as a concession to political segregation. Otherwise African reaction was favourable on the whole.

39 *Die Burger*, 29 May 1920 quoted by Smurthwaite, p 65

40 *Cape Times*, 14 July 1920

41 *Ibid*, 9 July 1920

On balance it can be said that it was the saving clause 8(2) of the 1913 Act and 28(2) of the 1917 Bill that thwarted the SAP's plans to impose a uniform policy throughout the Union. Hertzog, described as 'a meticulous and pedantic lawyer',⁴² was on the 1917 Select Committee. The far-reaching implications of Matthews' judgement could not have escaped him. This could be partly why Hertzog refused to consider extending the meagre political rights of Cape Africans to others up north; also why he decided to despoil the Cape Africans of the few rights they still had. For him and his supporters, abolition of the Cape franchise went hand in hand with the introduction of a uniform policy of segregation and not least its administrative aspects.

Hertzog's administrative solution

The disunity in African administration was a legacy of the past. Each of the four pre-Union states had a social structure of its own, and in each the administrations had evolved to suit the local scene. Thus the Cape had always worked towards breaking the tribal system and the chiefs' authority. Originally it was done in the name of peaceful assimilation on a war-torn frontier. Later it was seen as a good way of moving Africans into the labour market. Natal did the very opposite. There the tribal structure was kept as far as possible, along with 'native' law and custom. Administration depended on the authority of parents and chiefs, and the chiefs were expected to co-operate in getting their people to labour for whites. The Transvaal and OFS both had a blatant master-servant system, and the administration of Africans there was geared to preserve this relationship.

The new administrative policy under Hertzog in 1927 cut across the assimilationist trends of the Cape and was rejected by progressive African leaders. The change was basically back to tribalisation - a radical break from the line taken by Herbst's predecessor, E E Barrett. Unlike Barrett, Herbst championed

42 O Pirow, *Hertzog*, p 141. T Dunbar Moodie writes (*The rise of Afrikanerdom: Power, apartheid, and the Afrikaner civil religion*, pp 122-123): 'Throughout his political career he saw his real vocation as the passage of legislation which embodied his principles. Where there was doubt in interpretation of a law, his most ready response was to draft more legislation'; and 'Needless to say, Hertzog was remarkably consistent in matters of principle. Indeed, his overriding concern was to ensure that his principles be entrenched in legislation. Interpretation and practical application of the law interested him little.' H Nicholls, *South Africa in my time*, pp 193-196 endorses this view. While the numerous *Amending Acts*, passed to close legislative loopholes, are ample testimony too.

the idea of uniformity regardless of the Cape.⁴³

At the 1926 Natives Conference convened to discuss the Native Administration Bill, Herbst declared:

He was not going to be such a hypocrite as to say that the Bill was a palatable measure. The delegates from the Cape Province would say that they got a fresh shock every year, but it was in that Province that there existed the greatest need for such a measure. . . . 44

Like Hertzog, he held that the Cape system impeded uniformity and he wanted major reforms in African administration.

Besides, an administrative system along tribal lines was beginning to gain favour from about the mid-1920s. The government's view is clear from two reports - the NAD report 1922-1926 and the NEC report tabled in 1932. Both reveal a departmental bias against growing detribalisation. NAD men wanted a policy to stop the tribal system breaking up. As Herbst claimed in 1926:

With the native people as a whole at their present stage of development, the tribal system and native law, under proper administration, appears to be the most efficient machinery of government in definitely native areas. 45

So Natal traditionalism outbid the Cape system, described thus:

The weakening of tribal control without correlative advance in individual responsibility [has meant that] tribal rule has to some extent and in certain areas been sapped of its vitality by the intrusion of European individualism in advance of the habits and understanding of the people with the result that there is confusion and doubt where order and coherence are necessary. 46

43 Smurthwaite (pp 146-147) analyses the reasons for the irregular retirement of E E Barrett as Secretary for Native Affairs in 1923: 'There may have been other reasons behind the retirement of Barrett connected with his criticism of the government's handling of both its policy towards Africans and the Native Affairs Department. Barrett, like many others of the department, was a Cape man, and therefore not always in agreement with the government on matters affecting Africans.' New appointments after Hertzog's accession to power show a definite move away from the Cape. Along with the appointment of E G Jansen, a Natal man, as Minister of Native Affairs, this could account for the strong bias in favour of Natal traditionalism.

44 Address by J F Herbst, minutes of Natives Conference, 3 December 1925, NAC report 1925-1926, UG 17-27, p 22

45 NAD report 1922-1926, UG 14-27, p 3

46 *Ibid*

NAD officials in Natal backed Hertzog's 'call for uniformity'. Like him, most of them deplored the Cape system. Many agreed with him that a system controlling African interests together with those of the whites was wrong; while others felt that a common administration was bad for African interests and in conflict with African tradition and tribal custom.

In 1926 Herbst defended the ideal of a uniform policy:

[This Bill] was an attempt to put on a proper footing the whole administration of Natives throughout the Union. Delegates knew that the Government was still working under the laws of the old Colonies, so that instead of having one administration they were still working in compartments.

While Natal had a complete system under Acts passed by its own Parliament - laws providing even for the various salutes to officials - in the Cape there were no salutes at all. While in the Transvaal the law is that the Governor-General is the Supreme Chief and is given full power and authority to carry on as if he were a Native Chief.

In the Transkei they had evolved a perfect system for Parliament had given the Governor-General the power to make laws.

These different laws and powers led to confusion, and in addition, stultified administration. For where there were no powers (i.e. in the Cape) nothing was done for fear of coming into conflict with the law....

47

He elaborated:

There are two distinct directions in which greater uniformity is desirable in the existing systems which were established prior to Union. Firstly, the assimilation of the special statutes applicable to natives by which their contacts with the European social organism are governed, as for example, the pass laws, the laws relating to exemption, contractual relationships and such restrictions as development. Secondly, the assimilation of the conditions in which native law and custom can be made operative for the regulation of their relationships *inter se* (i.e. the adoption of Native Law and custom throughout the Union in accordance with the police practices in Natal).

48

Like others before him, Herbst wanted a uniform system to control race relations. But he claimed this was being stultified because administrators were afraid of 'coming into conflict with the law'. His comments echo the new respect for Natal traditionalism. Of the old fascination with the Transkei all that remained was its 'perfect system' of ruling by proclamation. Why this change of emphasis?

47 UG 17-27, p 21

48 UG 14-27, p 2

The Natal system was commonly, though erroneously, called the 'Shepstonian system'. The tradition that grew from Shepstone's days still kept race the main divide, but in a way quite unlike the ex-Boer republics. Natal had been divided horizontally into cultural groups, with the 'civilised' whites on top. Ethnic and racial barriers became entrenched over the years keeping the groups apart. After a time many whites refused to accept a common destiny for all races in Natal, and instead supported the separation of what they termed the 'civilised' and 'uncivilised' (or even 'non-civilisable'). The Natal system aimed to maintain this social and racial divide by stressing ethnic and cultural differences. The ideological implications of this will be discussed in due course. First let us weigh the administrative advantages of this Natal traditionalism, for there is little doubt it had endeared itself to most administrative men at the time.

One of the most distinctive features of the Natal system was the institution of the Supreme Chief. Recognition of the Supreme Chief and customary law had been pioneered by Shepstone and upheld by Britain in 1849.⁴⁹ His powers were defined in the Code of Native Law 19 of 1891:

he exercised all political power over Africans in Natal; he appointed and removed chiefs; he could divide and amalgamate tribes; he might remove tribes or portions of tribes and individual Africans; he might call out armed men and levies and he had power to call upon Africans to supply labour for public works; he might punish by fine or imprisonment, or by both for disobedience of his order or for disregard for his authority.

50

'Most striking of all', says David Welsh, 'was section 40:

The Supreme Chief is not subject to the Supreme Court, or to any other Court of Law in the Colony of Natal, for or by reason of any order or proclamation, or of any other act or matter whatsoever, committed, ordered, permitted, or done either personally or in Council.

51

49 In terms of Ordinance 3 of 1849 the Lieutenant Governor was to 'hold and enjoy, over all the chiefs and natives in this District, all the power and authority which, according to the laws, customs, and usages of the natives, are held and enjoyed by any supreme or paramount Native chief with full power to appoint and remove the subordinate chiefs or other authorities among them.' G W Eybers, Select constitutional documents illustrating South African history 1795-1910, p 237.

50 David Welsh, 'The State President's powers under the Bantu Administration Act', Acta Juridica, 1968, p 82

51 *Ibid*, p 83. In 1894 the courts decided that 'section 40 amounted to no more than the "general immunity" which attached to the Governor's office.' Siziba v Meseni 1894 15 NLR (new series) 237 cited by Welsh, *op cit*, p 83.

Another power, Welsh notes, was the Supreme Chief's theoretical power to legislate by proclamation;⁵² he was empowered to 'modify, vary or alter any of the said provisions of Native Law, customs and usages as may be found necessary or expedient for such purpose'.⁵³ According to Herbst, little use was made of the Supreme Chief's legislative power, and his functions remained largely political and administrative.⁵⁴

In 1877 after Britain annexed the Transvaal, Henrique C Shepstone tried to reinstate native law and custom there. He recommended that the Governor or Administrator be appointed Supreme Chief, as in Natal. According to Simons,

The effects of his action were, however, subsequently nullified by bad draftmanship and an unduly formalistic approach on the part of the courts when construing the limitations placed on the recognition of Native custom by Law 4 of 1885 . . . so much of the indigenous system was declared invalid that very little of the African's legal status survived.

55

Discussing the position in the other provinces prior to 1927, Simons notes:

In other parts of South Africa, the Native law was in an even worse plight. Both in the segregationist Orange Free State and the assimilationist Cape Colony the only concession made to the tribal culture was the enforcement of the Native law of inheritance.

56

Although this was true for the Cape proper, it was not for the Transkei. The Pondoland chiefs, for instance, still enjoyed traditional authority,⁵⁷ but no effort had been made to secure their position, nor had 'Native law' been codified. Instead, there had been a policy until 1927 to undermine the chiefs' authority,⁵⁸

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- 52 Ibid, p 83. This system differed from that of the Transkei under the Transkeian Annexation Act 38 of 1877. See Welsh, *op cit*, p 84, and below pp 121-123.
- 53 Decisions under this law were appealable to the Governor-General-in-Council only. Welsh, *op cit*, p 84.
- 54 J F Herbst, 'Explanatory memorandum re the Native Administration Bill', Herbst papers A 1 (a) quoted by Welsh, *op cit*, p 84
- 55 Simons, 'The law . . .', p 47. Welsh examines a series of cases in the courts before 1927. His findings appear to corroborate Simons' conclusion.
- 56 Simons, *op cit*, p 47
- 57 Hunter, p 421 ff
- 58 According to Hunter (p 425), 'In 1921 the Bunga passed a motion requesting the Government to investigate and codify Native law, but the Government opposed codification on the same grounds as did the commission of 1903-5.' These were 'that they did not contemplate Native law as a permanent institution, and codification would fix and strengthen what they wished to disappear'.

so that even traditional chiefs were subject to executive rule by the Governor.⁵⁹

The Governor in the Transkei ruled by proclamation but his powers were not completely arbitrary. All laws had to be laid before both Houses of Parliament within 14 days; and assent of all Bills was reserved for the crown. But these safeguards were insufficient, according to J T Jabavu before the 1917 Select Committee:

the Government had no authority to issue proclamations just 'off their own bat', as it were, but they they should adapt certain statutes passed by Parliament already in existence, so as to suit the circumstances of the Natives, and that, I think, is a very good safeguard.

60

He therefore opposed the principle that the NAD could initiate legislation or be invested with discretionary powers. He believed too that all proclamations should be widely publicised before implementation, as a further safeguard. Under an 1897 Amendment the Governor had even greater powers than Jabavu suggested, for he could authorise summary arrest and detention of anyone considered a danger to public peace. (According to Welsh, this power was used only once before 1927.)⁶¹

As we have seen, there was an attempt in 1917 to bring all four distinct systems into line with the Transkeian policy, but this had failed. In 1927 legislation by proclamation was still favoured, but now this was to be combined with the institution of the Supreme Chief as found in Natal. Only in the Cape were Africans to be excluded from the Supreme Chief's purview.⁶²

59 Act 38 of 1877 provided that laws applicable to the Transkeian territories 'may be made and may be repealed, altered, amended and modified by the Governor with the advice of the Executive Council by proclamation published in the Government Gazette'. For a full exposition of the changes and anomalies in the system see the evidence of E E Dower, Senator W E M Stanford (later Sir Walter), A H B Stanford, W T Welsh; and for African opposition, that of J T Jabavu, to the Select Committee on the Native Administration Bill, SC 6a-17.

60 SC 6a-17, para 3813

61 Welsh, *op cit*, p 85. In view of later events the reason for this Amendment is significant. Welsh notes that the Amendment Act 29 of 1897 was passed after the Supreme Court had ruled that the Governor had no 'power of exercising judicial functions which have never yet been exercised by the Parliament itself' since this would mean that Africans 'would be liable to be deprived of their life and property, as well as their liberty, otherwise than 'by the law of the land'. See *Sigcau v The Queen* 1895 12 SC 256 quoted by Welsh, *op cit*, p 84.

62 According to Welsh, Africans in the Cape were excluded only after a plea in the Senate by Sir Walter Stanford. See Welsh, p 90, and *Senate Debates*, 1927, cols 1144 and 1220.

The wording of the 1927 Act was definitive:

The Governor-General shall be the Supreme Chief of all Natives in the Province of Natal, Transvaal and the Orange Free State, and shall in any part of the said provinces be vested with all such powers and authorities in respect of all Natives as are, at the commencement of this Act, vested in him in respect of Natives in the Province of Natal. 63

Having been given such great authority, however, the Governor-General could under the Act delegate it to the Minister of Native Affairs or, through the Minister, to anyone in the NAD. As R V Selope Thema was later to claim: 'some of these Native Commissioners are rulers in their own localities, and therefore they take up the position equivalent to that of the Governor-General.'⁶⁴

This change had important implications. For now, under the 1927 Act, extensive powers were allocated to the department to rule by executive decree, and the safeguard of the crown had been removed.⁶⁵

Quite rightly Brookes accused the government of deliberate misreading of the 'normal conceptions of the Bantu Law'.⁶⁶ In 1933 he challenged that the government were doing this for their own administrative ends:

Shepstone employed what is today the fashion to call 'indirect rule', and even artificially reconstructed the tribal system where it had been broken down. The available evidence strongly suggests that Shepstone, who believed in the Magisterial system, only accepted indirect rule *faute de mieux* in the absence of officials, police and money. The Native Administration Act of 1927 recurs to what its framers conceived the Shepstone policy to be, under conditions so different that Shepstone in all probability would not even have considered indirect rule had he been working under them. 67

63 Act 38 of 1927, section 1(1). In 1929 an Amendment extended these powers and the Governor-General was to be 'vested with all such rights, immunities, powers and authorities in respect of all Natives as are or may be from time to time vested in him in respect of Natives in the Province of Natal.'

64 Verbatim report of the proceedings of the Natives Representative Council 1944, v 1, p 18, and similar statements on pp 23 and 59, quoted by Welsh, *op cit*, p 99. See section 3(1) of Act 38 of 1927.

65 It is almost as if Hertzog anticipated the sovereign powers to be vested in the Union Parliament under the 1934 Status Act. See also Report of the Select Committee on the Native Administration Bill, SC 11-27.

66 Brookes, The colour problems . . ., p 73

67 *Ibid*, p 75

Many Africans deplored the attempts to reinstate the tribal system, especially in the way the government had reconstructed it. Brookes cited the protest by a chiefs' convention at Bloemfontein in 1928. This convention criticised retribalisation, especially the policy relating to the extra powers of the white Supreme Chief under the 1927 Act. They argued that it was in the extension of the powers of the Supreme Chief that Shepstone's policy was most obviously misapplied:⁶⁸

The policy of Shepstone differs from that of the present Government in that it recognised Native progress. The Natives, as soon as they acquired civilised habits of living, were to be exempted from coming under the direct rule of the Supreme Chief. . . . But under the Administration Act of 1927, Native progress is not sufficiently recognised. But the civilised and the uncivilised Natives, the professional man and the ordinary Native living in his primitive state, are subject to the autocratic rule of the Supreme Chief.

If it is the policy of the Government that the Bantu people should be governed by means of their own law and customs, we feel it our duty, as guardians of our people, to point out that this should be in accordance with Native Law, and not with the wishes of the White race. It is our firm conviction that the policy underlying the Native Administration Act is a violation of the Bantu system of government. 69

Despite these objections and the fact that the tribal system in the other provinces was disintegrating, the thrust of the new policy was towards retribalisation. So native law and custom, and bureaucratic control through the Supreme Chief,⁷⁰ became the common stock of the NAD.

68 As the foregoing analysis suggests, the real point of departure from the Shepstonian system was the 1891 Law. But even then the judicial power of the Supreme Chief was curtailed and his legislative power to rule by proclamation was theoretical and little used. See above, p 116 and n 3.51.

69 Convention of Chiefs held under the auspices of the ANC, Bloemfontein, 6 April 1928, quoted by Brookes, *The colour problems . . .*, p 106. See also *SA Outlook*, 62, 1932, p 103 where the Johannesburg Joint Council analyse the actual powers of a paramount chief in traditional African society; and Welsh who cites three cases in which the Governor-General's powers under the 1927 Act were examined by the courts and the NAD were found to have exceeded their authority; and pp 126-129 below where these powers are discussed.

70 Act 42 of 1956 which amended the 1927 Act finally made the Governor-General Supreme Chief of Cape Africans as well. But as H F Verwoerd, the Minister of Native Affairs, maintained during the debate, this added very little to the power of the Governor-General 'because he could exercise "almost the same powers" in the Cape as the Supreme Chief by means of section 25 (the power to proclaim laws for scheduled Bantu areas) and section 27, which gave him wide powers to make regulations.' *House of Assembly Debates*, v 92(1), 1956, cols 4460 and 4903 quoted in Welsh, 'The State President's powers . . .', p 96.

Simons argues that as long as the application of native law and custom stayed flexible it deserved support. However, he decried the discretionary powers awarded NCs for these powers were liable to be abused. Besides, the tendency of the 'native' appeal courts to vacillate between western and traditional legal systems had created confusion. The only reason for their existence, he asserts, was Parliament's intention to bring about 'legal segregation' of the Africans. Since the system was politically motivated, both policy decisions and the system adopted by the courts had become rigid through parliamentary directives.⁷¹ To understand this, one needs to realise the scope of the Governor-General's executive authority.

Legislation by executive decree

The government's determination to enforce 'legal segregation' manifested itself as early as 1929. At that time the government introduced an amending Act to reinforce aspects of native law and custom that had been enacted in 1927 but not really accepted by the courts. This Amendment even allowed the Governor-General as Supreme Chief to 'amend the provisions of the Natal Code of Native Law' simply by proclamation in the Gazette.⁷² Put bluntly, 'the powers of the supreme chief', Brookes wrote, 'are such powers as the supreme chief by proclamation allocated to himself. It is legalised despotism.'⁷³ How accurate was that assertion?

First let us look briefly at the wording of the judgement given by Justice Fischer in the case of Rex v Mabi & Others:⁷⁴

The accused had been ordered to remove to a place without water or accommodation, whereupon they had refused to move until they had been compensated for losses sustained. 75

Welsh reports that although the judge acknowledged that the facts alleged showed 'possibilities of considerable hardship', he declined to set aside the order, holding that 'the Governor-General's discretion was "unrestricted".' When counsel for the

71 Simons, *op cit*, p 52

72 Act 9 of 1929, chap 5, enumerates the Governor-General's powers as Supreme Chief.

73 Brookes, The colour problems . . ., p 107

74 Rex v Mabi & Others 1935 TPD 408 cited by Welsh, *op cit*, p 84

75 The order was issued under section 5(1)(b) of Act 9 of 1929 which amended the Native Administration Act 38 of 1927, section 5(1)(b). The proviso in the clause was that if a tribe objected to such removal, a resolution would have to be adopted by both Houses of Parliament sanctioning the removal. But under section 5(2), an individual who refused to comply with an order given under this section would be guilty of an offence and liable to a conviction of a maximum of ten pounds or imprisonment for a maximum of three months. For further discussion see below, p 308.

accused raised the wider issues implicit in 'civilised law' - such as a presumption against taking away rights without compensation and generally upholding the individual's rights - Fischer's response, as Welsh records it, was as follows:

The Court was always very astute to uphold these matters but we are not entitled on that account solely to override the unequivocally expressed intention of the Legislature that the Governor-General should act in this manner. 76

As Welsh remarks, 'If injustice were being committed or hardships were being created, that was the Legislature's, and not the Court's concern.' But it also raised other issues. To others this definition of the Governor-General's powers was unacceptable, for it made no mention of arbitrary government action. It failed to insist on the requirement of equality before the law. As such it was an abrogation of the Rule of Law.⁷⁷

The 1927 Act moreover, by allowing the NAD to rule by executive decree, laid the system open to administrative abuse. Personal freedom was now a privilege held at official discretion, as the executive's power to prescribe and proclaim pass areas was now extended and the laws of exemption revised. Also under this system the Governor-General was given authority to impose rules and regulations on almost every aspect of African existence. As Davenport explains, these governed

censorship, control of weapons, wearing of clothes, carrying of passes - and, in a controversial Section 29, he could punish 'any person who utters any words or does any other act or thing whatever with intent to promote any feeling of hostility between Natives and Europeans.'78

76 Welsh, *op cit*, p 94. See also section 10(1) of Act 38 of 1927: 'Neither the Supreme Court nor any other court of law shall have the jurisdiction to question and pronounce upon the validity or legality of any act done, direction or order given or punishment inflicted by the Supreme Chief in the exercise of his powers, authorities, functions, rights, immunities and privileges.' This approach is accepted by most white South Africans concerned only that the correct constitutional procedure had been carried out and executive given the necessary power by the sovereign legislature. This equates the Rule of Law with the rule of law and order. It justifies an all-white Parliament in sanctioning a breach of the Rule of Law to support repression of those who seek to disturb the prevailing social order. See also discussion of the Riotous Assemblies Amendment Act 1930 in chap 8.

77 For further discussion on the suspension of the Rule of Law, see Davenport, *South Africa ...*, p 206 ff; J Lewin, *Politics and law in South Africa*, p 56 ff; Edgar Brookes & J B Macaulay, *Civil liberty in South Africa*, pp 12-29; and Brookes, *The colour problems ...*, p 104 ff.

78 Davenport, *South Africa ...*, p 206

If one takes these, combined with the powers given the bureaucracy under the 1927 Act to rule by extending its own rights and immunities, there is little doubt that by 1927 the Hertzog government had assumed the very powers Matthews said would give the government 'greater power than Parliament'. So in 1927, Parliament can be said to have endowed the government 'with powers that Parliament itself [did] not possess.'⁷⁹

Moreover, ruling by proclamation, which had been disallowed in 1917, was reintroduced under the 1927 Act even in the Cape where the franchise had not as yet been abolished. By then there were too few whites schooled in the old 'Cape Liberal' tradition prepared to protect African interests, and too many who valued the status quo above all else and were prepared to support the erosion of African rights if it guaranteed their interests and position of dominance. Those who praised and supported the system argued: it allowed flexibility in the government of widely different areas; it ensured that rules and regulations could be made to suit the local scene. Rule by proclamation was accepted as necessary especially where tribal institutions still carried on – chieftainship, land tenure, polygamy, lobola, male domination, vicarious responsibility, and other elements of collectivism. But even where these things were withering away, as more and more Africans moved away from traditionalism, the 1927 Act sought to reinstate them. It was this aspect possibly more than any other that the Africans strongly denounced. As the following discussion attempts to show, their criticism was often warranted.

Implications of Hertzog's resolution

a For different groups

With the belief growing that Africans in their own areas should stick to tribal custom, the 1932 NEC decided to investigate the pros and cons.⁸⁰ Witnesses were asked several questions. Was the tribal system breaking down, and if so, why? Should the erosion of tribal traditions be speeded, slowed, or left to itself? How important was the institution of chieftainship, especially the chief's status, function and powers in the various regions? How far did Africans cleave to traditional law

79 See E L Matthews' statement above, p 110 and n 3.29.

80 Although the commission was meant to look only at urban Africans, the whole of part 1 of their report is about the reserves. It is not merely about life as it affects Africans in town either, but discusses the merits of the tribal system. So it seems the commissioners wished to support the new administrative line of the 1927 Act – which is why other reactions to this policy are included here.

custom, how far had they become westernised, and was this good or bad?⁸¹

These questions in 1932 suggest that the state was still unsure of the retribalisation policy introduced in 1927. Views ranging from support to rejection had many underlying motives and as many practical reasons, as the following discussion shows.

Retribalisation in the interests of whites

J Y Gibson explained his liking of the traditional Natal system thus: first, groups of families could be placed under a chief for administrative purposes. 'The advantage', he said, 'was that it has been highly effective as a controlling organization'. The hierarchical structure of this control system worked particularly well, he thought. Of it he said: 'it may confidently be affirmed that for administrative purposes the system was faultless'. He regretted that 'even in Natal the system was breaking down' and attributed this to

the gradual change which has taken place in conditions of land tenure and forms of industry to which people have found it necessary to adapt themselves, and also changes in Native policy. 82

Many others also deplored the breakdown of the tribal system in Natal. It deprived many farmers of their workers, according to Senator H D Winter, Minister of Native Affairs before Union. As early as 1917 he said:

The chiefs complain they have no power over their people; their complaint is that the only money they knock out of the Natives is for marriage fees and so forth. The power of Sibalo has been withdrawn from them, and since you have withdrawn that, the Natives

81 For full details see NEC report, UG 22-32, annexure 5, pp 250-251, where a detailed questionnaire on the topics to be investigated is given. The section investigated here falls under the heading 'Advantages and disadvantages of the tribal system'.

82 NEC 1930-1932, written evidence of J Y Gibson. Gibson gave evidence to many other commissions too. He knew a great deal about African customs and traditions, according to his testimony, having lived in the Klip River country for close on 60 years. He served in various parts of Natal and Zululand, first as clerk and Zulu interpreter in a magistrate's court, then as magistrate for 11 years in Zululand, later as magistrate in Natal, and finally as Sub-NC for Zululand. In view of Gibson's early experience with the tribal system, his evidence has been selected to explain how whites in general saw the operation of the tribal system in Natal. Shula Marks comments that Gibson was one of the few people 'sensitive to African views'.

have run wild in the locations.⁸³

He shared the views of many farming associates in saying: 'The Natives in the locations ... are free men; they go to the Rand and live at their own free will an idle life.'⁸⁴ He echoed the feelings of many more in his demand that the chiefs' authority be backed by the state. Only then, he claimed, 'could the idlers be forced out to work.'

Natal even used the traditional system to extend control over the urban Africans. This had also been pioneered by Shepstone, and was characterised by the 'togg' systems and the development of municipal compounds.⁸⁵ To whites threatened by African advance or opposed to the growth of a stable African community in the urban areas, the Natal solution would have been of particular interest. How traditional control was extended to include African townsmen in Natal emerges from letters between R D Lyle, Magistrate at Umgeni, and C A Wheelwright, Chief NC of Natal. Wheelwright commented on the implications of the 1923 Urban Areas Act for African townsmen in Natal:

To me there appears little difficulty in administering the Code of Native Law in an urban area to which the Act may refer. Under the Code it is not possible for a Native to become detribalised. Every Native must acknowledge allegiance to a Chief, otherwise it strikes at the root of Native Government of this Province.

Even should the Urban Areas Act apply it will not affect the government of Natives residing within such areas, they will still have to conform to the Code of 1891 and be governed accordingly, and they will still be subject to the pains and penalties therein prescribed, although they may be at the same time subject to the local authority. 86

83 Select Committee on the Native Administration Bill, oral evidence of Henry Daniel Winter, UG 6a-17, paras 2014-2034. Born in Pietermaritzburg in 1851, Winter was JP, MLA Natal Colony 1893 and Senator - Union (Weenen); Minister of Agriculture 1899 (Binns ministry) and 1899-1903 (Hime ministry); Acting Treasurer 1902-1903; Minister of Native Affairs (Smythe ministry). Winter also said the Natalians had asked to have 'sibalo' reintroduced. Shula Marks points out (p 43): 'The duty of chiefs to call out labour for the roads and public works of the colony - the so-called isibalo - was probably the greatest single cause of their unpopularity among their followers. The Natal Native Affairs Commission went so far as to suggest that one of the reasons Africans were moving from location lands and on to private farms was because of their distaste for the corvée.' The concerted effort to draw the chiefs into the system of labour control under the 1927 Act was equally unpopular.

84 UG 6a-17, para 2014

85 For further details see M W Swanson, 'Urban origins of separate development' Race, x, 1968-1969, pp 31-40.

86 NEC 1930-1932, typescript evidence of R D Lyle. The code defines a 'tribe', and section 238 lays down that 'No Native under the operation of the Native Law shall be permitted to reside permanently in the Colony, unless he becomes a member of a tribe as defined in this Code. See Section eight Natal Law No. 19 of 1891.' This would have had important implications later for the state's urban policy. Lyle also refers here to 'Regulations governing marriage by

Shula Marks makes the point: 'that in the early days of Natal the separate administration of Africans and Europeans under different codes of law was a practical administrative necessity; the colonists, however, made a virtue of necessity.'⁸⁷ In fact, the Natalians seemed to need more and more control as tribal power waned, and the policy of retribalisation was to give them this.

The varied goals of those in favour of the Act show that retribalisation could be used - and exploited - for several different purposes. The main aim, so it seems, was to rule by decree with the chiefs drawn in as a crucial prop in the whole administrative system. We therefore need to see how this was to be achieved under the 1927 Act.

The chiefs and the policy of retribalisation

The chiefs were to be drawn into the system, lured by the only real offer of status in a submerged society. On this issue R D Lyle is quite explicit. He shows, for instance, that the system of calculating a chief's tribute by assessing the number of taxpayers in his district worked well because this was an incentive to chiefs to encourage closer settlement on the one hand, while being in the chief's interest to ensure that taxpayers not only paid their taxes, but that they returned home to do so. He also remarked that with the chiefs' declining authority administration in the 'native' areas was less efficient, but where chiefs still maintained control it was often at the cost of progress.⁸⁸

Professor Macmillan reached a similar conclusion in the 1920s:

In Basutoland, Natal and elsewhere the power of the chief may be a restriction on progress. The chief may (and does) put obstacles in the way of the progressive man, make his tenure insecure, or mulct

Native Rites and the payment of Hut Tax. Law 48 of 1884, and regulations framed thereunder' and notes how urban Africans would fall under those as well. See regulations 27, 28 and 29, government notice 120 of 1910.

87 Marks, p 199

88 NEC 1930-1932, typescript evidence of R D Lyle. The following works include interesting analyses on the changing role of chiefs, and the implications for the chiefs of the retribalisation policy: K Danziger, 'Modernisation and the legitimation of social power' in H Adam (ed), South Africa: Sociological perspectives; E Feit, 'Conflict and cohesion in South Africa: A theoretical analysis of "separate development" and its implications', Economic Development and Cultural Change, July 1966, pp 484-496; P & I Mayer; G Mbeki, South Africa: The peasants' revolt; B G M Sundkler, Bantu prophets in South Africa; A Vilikazi, Zulu transformations: A study of the dynamics of social change; Hunter. For an excellent discussion on the basis of the chiefs' authority, see J Peires, 'Continuity and change in Ciskei chiefship', African Studies seminar paper, University of the Witwatersrand, 29 August 1976.

him. In districts where suspicion and discontent are rife, the leading malcontents, strongly aided and abetted by many of the women, so far from being Communist 'agitators', are often men of the old school, backward - in the locally used term, 'reactionaries'. The younger educated men are separated from these by an inevitable gulf. Recent legislation [Native Administration Act], however, tends only to make the hard lot of the educated and progressive Natives still harder. 89

This harsh attitude of the chiefs was backed by the administration.

However dubious the chief's white colleagues were, his own power could well carry on unaffected. After all, he was the only source of good and ill for others, as Adam implies:

The increased bureaucratisation and regimentation of life chances of the non-white population has thus strengthened the power of these secondary rulers, despite their waning traditional legitimacy. Whereas under the former 'pure' colonial conditions, the white bosses were satisfied if the chiefs kept their followers 'in their place' and provided the imposed services and taxes, they now have to insist that the politicised subjugates are in fact ruled, administered, and controlled. 90

This process began with the 1927 Act.

We know something about the traditional and modern roles of the chiefs, but should also be aware that chiefs have often had to bridge the gap between them. Significant, therefore (but very little researched) is how chiefs have had to span confusing loyalties in their dual role of being at once traditional leaders and leaders authorised by whites. This emerges clearly in the following extracts.

Many witnesses insisted that chieftainship had fallen into disrepute with whites abusing the chiefs' authority. It was further weakened, they said, by loss of the right to dispose of land - a right linked by custom to the whole structure of tribal society, as John Dube said:

the Chief's power was largely dependent on his control of the land. A man offending him could be cut off from the land and from subsistence. 91

Most whites demanded land restrictions, and at the same time wanted the chiefs to have greater power. But control of land was a prime source of a chief's authority. Without it, the only way to keep his position was through white support. The

89 Macmillan, p 249

90 H Adam, *Modernising racial domination: South Africa's political dynamics*, p 73; also Walshe, p 237

91 NEC 1930-1932, typescript evidence of J L Dube. See especially Peires, *op cit*.

tragic irony was that, to keep control over his fellow tribesmen, the chief had to bow to greater control by white officials acting in the name of the white Parliament. The 1927 Act denied chiefs the very basis of their power because it took away their right to allocate the land that their power depended on. It was therefore necessary to set up a scheme to prop up their authority artificially. This in turn made the chiefs dependent on the goodwill of whites for their people's future prosperity.

Henry Ashton Key reported on the tribal system outside Natal. Like Gibson, he felt it helped with running African areas. But problems arose, he argued, when white and African interests clashed. Chiefs lost control when people moved away and discovered that tribal rule was unenforceable, a matter of 'judicious bluff'. A few chiefs were outstanding in both rule and law, Key said, but most 'just carry on for what they can make out of the tribesman'.⁹²

Like many other top administrators, Key was ambivalent over the reinstatement of tribal authority. He saw that the chief was a 'very useful administrator' but also 'a great hindrance to the progress of the individual'. Weighing up the pros and cons, he concluded: 'Where the system is of material use it should be assisted up to a point for the better control of the people.'⁹³

Chiefs were the obvious scapegoat for African and white resentment, it seems, and the butt for the department's inefficiency. But the view held by departmental officials that the chiefs had a utility value underlay much of the evidence. So on the whole chiefs were not seen as people in their own right but as administrative tools - and even as tools, only doing jobs for whites. This attitude to the chiefs is clearly illustrated in the words of the Chief Magistrate of Johannesburg:

My last experience of working with Chiefs was in the Ciskei, where very little use is made of their services. Far more use was made of the Headman of each location. In the Transvaal my experience has only been with minor chiefs on communally owned land. Their services are not utilized except perhaps to assist in the collection of Native Tax. In Natal Chiefs were given certain powers under the Native Code. They were regularly consulted, their authority upheld and their services frequently made use of especially in the locations. Their utility broke down owing to the hereditary system

92 NEC 1930-1932, typescript evidence of Henry Ashton Key. He was NC in Herschel. His evidence is of particular interest since at the time he had been in the NAD from 1897: for the first 20 years under the South African Republic, the colonial government after 1902, and the Union government until 1926. He was therefore well placed to comment on changing conditions, and with his Transvaal experience, to comment on a totally different system in the Cape.

93 Ibid

of succession, where the Chief turned out to be a drunkard or of weak character.

94

Britten believed 'Natives living under tribal conditions such as Natal and Zululand are the most content', and considered this proof of the excellence of the tribal system.

A one-sided view, one would think. The administration in drawing the chiefs into the system placed them in a very invidious position. They were pushed into the impossible, straddling general African interests, their own lives, and white demands. They became puppets trying to look like chiefs; chiefs trying to have lives of their own; and local champions trying to score advantages for their own people.

Africans on the receiving end, and their reaction

The views cited thus far overshadow the crucial importance of what the African commoners and chiefs thought – and they, after all, were on the receiving end of policy changes and white demands. Sometimes these changes were confusing, and their very uncertainty had bad side effects.

J M Mohapeloa traced some of the policy changes that 'signalled the disappearance of the chief as the recognised authority over the tribe'. In the Transkei, he said, some attempt was made initially to preserve the chiefs' power but their final position was no happier:

for although Native Law was administered chiefs were reduced to the position of stipendiaries. Tribal divisions and tribal chiefs were ignored. Districts were divided into locations without respect to tribes, and each location was under a headman nominated by the

94 NEC 1930–1932, written evidence of Henry Britten. Britten described his own career in these words: 'From childhood up to age of 24 years in Natal; 15 years as Magistrate and Native Commissioner, Transvaal; Brought up in district Ixopo, Natal where there is a large native population on farms in locations. Had 3 years experience in an Attorney's office, entered Public Service in 1895 and became Clerk and Zulu interpreter. Served mainly in Ixopo. Transferred to Native Affairs Department on promotion 1901; Magistrate, Native Court, Krugersdorp, 1902; Served in various Transvaal districts as Magistrate and Native Commissioner for 15 years and as Magistrate and Native Commissioner, Kingwilliamstown, for 4 years.' He also claimed to have made a special study of native law and custom, and to this attributed his promotion to Chief Magistrate of Johannesburg. This seems to have convinced the commission that he was better qualified than Africans to gauge the effects of African policy.

people and appointed by the Transkei Government. Some of these headmen were traditional chiefs but they did not possess their former powers, and they were no longer guardians of the land. 95

This description fitted many parts of the country after colonisation.

With a long history of policy changes in various areas, more often than not at the whim of a government or NAD official, it is little wonder that the new scheme of retribalisation confused and angered people. Evidence to the commission in 1930 bears this out. Anger was also clear-eyed, as when Mohapeloa wrote of white encroachment:

This is a step which aims at protecting the people without abolishing chieftainship. But it is hateful to us because it is imposed *ab extra*, which is a reflection on the chieftainship; for it means the chief is no longer 'the father of his people'. He is inclined to become an overlord who likes to use his people for his benefit. 96

This was true. Chiefs were alienated from their people, shifting real power towards the whites. Whites gained too in being released from the job of ruling. Meanwhile, the chiefs' fellow tribesmen grew disenchanted.

Urban Africans were far more scathing on the whole when they publicly attacked the chiefs. But they usually attributed the chiefs' decline to officialdom or government policy:

The Government of this country have made the task of the detribalised Africans much easier by knocking the bottom out of the system of chiefs, thereby weakening the foundations of Bantu culture and civilisation. They are now, for all intents and purposes, Government policemen and are no longer custodians of African culture and civilisation. 97

Paradoxically, the 1927 Act was also seen as a catalyst to detribalisation. The Martindale and Sophiatown ratepayers saw it as 'a blessing in disguise' as 'the last nail on the coffin of tribalism'. Because it introduced 'hybrid codes and laws of succession', they claimed it also loosened 'the ties and obligations which once held family and tribe together.'⁹⁸

Not only urban Africans denounced the rigged revival of the chiefs' power. As was to be expected, the longest and loudest resistance came from

95 J M Mohapeloa, *Africans and their Chiefs: Should Africans be ruled by their Chiefs or elected leaders?*, p 13 [c 1930-1935 (n d), Cape Archives]

96 *Ibid*

97 NEC 1930-1932, written evidence of the Sophiatown and Martindale Non-European Ratepayers' Association

98 *Ibid*

Africans in the rural areas of the Eastern Cape. Why did so many Cape Africans oppose the chiefs being set up in authority again? For one thing, they feared losing the right to own land as individuals. As one witness said:

if the chief is given authority to rule over the people, individual tenure would have to be abolished because in what way could his authority be exercised if he has nothing to say over the land? 99

Again, Africans in private locations in the Cape had had the same powers as white municipalities. John Shishuba, the headman of Oxkraal location, a highly respected Cape leader, discussed the point. Africans lost these powers, he said, when the Native Affairs Act of 1920 scrapped their village management boards. Instead they were to have a local council with very curtailed powers. Even this promise was not kept.¹⁰⁰ Then came the scheme to revive tribal authority. Africans in the Cape felt this would erode their autonomy still further: in their view, chiefs should have symbolic status and no more.

The administrative bible - an official view of the 1927 Act

The NEC tested out official opinion on retribalisation far more seriously than the opinion of Africans. It was the departmental officials, of course, who had the best theories and highest hopes of the government's policy working. The NEC report gave great weight to those favouring retribalisation, for instance - despite the statements again and again that the tribal system had broken down, as here:

The inevitable effect of the under-development of the Reserves is that orientation of most advanced Natives has been towards the European. Instead of finding in their own area a fruitful field for using their energies and their knowledge to uplift their own people, they have been forced out from among them and have become 'exiles' elsewhere. To develop the Natives, and the Reserves; to make the dead hand of tribalism relax its grip; to convert tribalism into a progressive force; to set the Natives in motion on the upward path of civilisation, and to enable them to shoulder the burden of their own advancement - such must be in the opinion of your Commissioners the main approach to the solution of the Native problem in its economic aspect. 101

99 NEC 19 January 1931, oral evidence of an African witness representing Oxkraal and Lesseyton locations. This fear was confirmed by others including white officials who said that one of the reasons why relatively few areas had been surveyed under Glen Grey tenure was because the less progressive chiefs feared losing their authority.

100 NEC 1930-1932, oral evidence of John Shishuba, headman of Oxkraal location. Village management boards were the equivalent of health committees in peri-urban areas, and fell under the divisional council. They were established in many locations under the 1879 Locations Act in both African and white districts.

101 UG 22-32, para 82

Yet having said this, their recommendations for an efficient administrative system show that they favoured retribalisation.¹⁰²

The unpublished written and oral evidence to the NEC has a contradictory pattern as well. The official bias for reviving tribalism came mainly from Natal people. The ambivalence of other officials suggests that outside Natal, tribal institutions had decayed to a point of collapse in many districts. Yet most people outside the Cape agreed that if ways could be found to reinstate the chiefs, it would help African administration and have their full support. Here we must note, as Macmillan did, that NAD officials whatever their own views, 'were governed by Acts, the spirit of the Acts and the force of Parliament behind them.'¹⁰³

The 1927 Act undertook to put segregation into practice. For many the Act had become an administrative bible. But it was not only the enthusiastic bureaucrats who believed in tribal chieftainship for Africans. Firm segregationists like the 'Liberal' Natalian, Maurice Evans, also saw great merit in this, the Natal system.¹⁰⁴ To this group Brookes adds the traditional anthropologists as very influential in determining 'native' policy. Cynically, but with truth, he writes:

All the influence of the older social anthropology has been thrown in the direction of regarding the urban Native as an annoying intruder, who has no business to live where he lives or to be what he is. Combined with the segregationist school, the anthropological school has created in the public mind the impression that nothing need be done or ought to be done for the urban Native beyond forming vague plans for some day sending him back to 'his own area' - the segregationist Utopia - where he will develop 'along his own

102 See UG 22-32, paras 199-243; on employment by the state and the co-operation of chiefs in checking the breakdown of tribal authority, 230-319; and on tribute and stipends, 26, 37, 221-222, 240.

103 NEC 1930-1932, oral evidence of W M Macmillan, 7 May 1931

104 Maurice Evans said that the state's race policy should not uproot African institutions but develop them where they were of use. Africans absorbed western ideas only if they first respected their own. Their culture might be primitive but it could still evolve to suit the African genius. These views swayed many intellectuals, with far-reaching effect. See invaluable sources: M Evans, *Black and white in South East Africa: A study in sociology*, and R F Hoernle, *South African native policy and the liberal spirit*. Indirect rule through tribal authorities was first practised in India and later in all African dependencies colonised by Britain. It was only after 1939 that Britain began to modify her policies. But all this, and Evans too, was very different from a deliberately enforced policy of retribalisation.

'lines' - the anthropological Utopia. 105

b Afrikaner nationalist ideology

The segregationists and older anthropologists made the same kinds of claim: they both stressed differences of origin and tradition between Africans and whites, and described the variety of life accordingly. ('Inherent', 'racial', 'ethnic': these were the identifying terms.) They also held that society should cater for these differences. Only then, they said, could each race carry on its own pure culture without contaminating the other, and so build up its own civilised inheritance. The many whites who supported this thesis rationalised that justice demands the preservation of both European and African culture. This was the Utopian dream.

It also struck a sympathetic chord for those Afrikaners who had argued along the same lines about respecting Afrikaans and English interests. Hertzog's two-stream policy involved the nationalist virtues of pride in race, a separate ethnic identity, and a separate calling and destiny, and made people all the more determined to secure Afrikanerdom. Whether for English or Afrikaans or for black and white, the myth was that of parallel development.¹⁰⁶

The Calvinist ethic so heavily relied on today was not central to Afrikaners in the 1920s and early 1930s. Indeed they championed nationalism and their cultural growth, as Moodie shows.¹⁰⁷ The commitment to these issues was much

105 Brookes, The colour problems ..., p 141. In his analysis of the older anthropological school Brookes sets out to challenge such theories as those of M Levy-Bruhl, which he says 'have been fastened upon with such avidity as representing the truly "scientific" viewpoint.' Likewise the view preached by this school that amongst savages there was an 'absence of differentiated individual judgement.' He challenges his readers to study the views of 'the greatest social anthropologist Professor Malinowski' instead, and those of Professor Rodin.

106 On the origins and tenets of Afrikaner ideology, see H Adam, Modernising racial domination and 'Ideologies of dedication vs. blueprints of expedience' Social Dynamics, v 1, 2, pp 143-157; W A de Klerk, Puritans in Africa: A story of Afrikanerdom; Davenport, The Afrikaner Bond; Moodie; Edwin S Munger, Afrikaner and African nationalism; A P Treurnicht, Credo van 'n Afrikaner; B Naude, 'The Afrikaner and race relations', SAIRR topical talks, 9, 1967; H Vatcher, White laager; F A van Jaarsveld, The awakening of Afrikaner nationalism 1868-1881.

107 Moodie, pp 81-91

safer at that time, for the role that the English were to play in the world of Afrikanerdom was still a very contentious issue within the National Party.¹⁰⁸ In fact one could say that Hertzog used the white interest in exploiting African labour to keep whites together despite their rival views. In so doing, he gave Afrikanerdom a far more powerful and acceptable racial theme. If white traditions, beliefs and heritage were to be safe only in the hands of the National Party; if the National Party undertook to protect white interests and western civilisation from the threat of extinction or dilution by the assimilationist creed of their opponents; then clearly Afrikaner idealism would be accepted by the masses when disguised in this racist form.

In this way the imperative of white survival made segregation and retribalisation look like common sense for moral people. So racism could appear as a sort of ethnic idealism. Lewin explores the theme. Many whites really felt that Africans, with the culture they had, were 'unfit to assimilate the standards and values of the richly "civilised" Europeans.'

It follows that the standards and means by which white men shape their relations with other white men need not be applied to black people. In plain words, in order to exploit Africans fully, it is necessary to disguise the process by professing to have a deep respect for their peculiar culture.

109

Cultural segregation made it respectable for whites to be on top in the first place. It also kept Africans down or at least moving in directions that did not threaten white supremacy. Or as David Welsh has shown, ethnicity and traditionalism were 'politically harmless from the white's point of view'.¹¹⁰

Changes introduced under the 1927 Act did more besides. They removed the 'native question' from local pressures and in this way the gulf was artificially if not deliberately widened. The state did this, Margaret Ballinger argues, by conditioning the public into believing that it alone was responsible for African affairs. They also created 'a common illusion that Native affairs are something apart from the mainstream of South African life ... a happy hunting ground for intellectuals and philanthropists.' She mentions the 'complex of laws and regulations governing the day to day existence of Africans which were exclusive of whites in their application, with the result that the ordinary citizen represented in parliament had no immediate knowledge of their existence or how they worked.'¹¹¹

108 *Ibid*

109 Lewin, p 104

110 Welsh, 'The cultural dimension ...', p 35

111 Margaret Ballinger, All Union politics are native affairs, p 8

The emphasis on separation and exclusiveness also exaggerated the differences between the races. As Margaret Ballinger concludes:

Thus separation, coupled with the natural inarticulateness of a largely illiterate population with ways of thought unfamiliar to the rest of the population, creates almost insuperable obstacles to various experience and strengthens the impression that the African population is something apart and essentially different from the rest of the community.

112

This is true of what began almost imperceptibly after the 1927 Act had been passed. It did not take long before the ideologues found they could exploit cultural differences and ethnicity to rationalise and legitimise their racial theories. The Cape franchise was the one vital obstacle. With it gone, the National Party could begin to spread their segregation policy uniformly throughout the Union. The first step had been taken by dropping the day to day administration of African affairs almost entirely from white debate. Once Cape African affairs could be run the same way, Cape Africans and their grievances would also conveniently drop out of sight. In this sense, the 1927 Act was a milestone for the National Party in an administrative policy begun by their predecessors.

In the policy of enforced retribalisation the National Party deviated, following a new path. They endorsed ethnicity and tribalism, thereby destroying the assimilationist trend preached by their more liberal opponents. Even the Shepstonian tradition of recognising the gradual uplifting of the 'civilisable' African was trodden underfoot by white baasskap. Since the retribalisation policy could guarantee the paramountcy of whites, it had the main ingredient for party-political success. The 1927 Act was a definitive step by the National Party towards separate development, as the state's racial ideology is known today.¹¹³ Yet this step was only as far as administration went, and even that (as in 1917) seemed doomed to fail.

For Africans the harsh reality was that the segregation policy went on restricting them to a mere 7 per cent of the land. It was a quota that exposed the insincerity of whites, for all their high moral tone. As Professor D D T Jabavu put it:

112 Ibid, p 10

113 Many hold that separate development arose naturally from the segregation policy of the 1920s. True, it does embody some of the early ideas. But overall, the trusteeship policy of the mid-1930s was profoundly different from Hertzog's segregation scheme. In the policy of administrative reform, however, it is possible to identify some of the changes and underlying motives at this early date. This will be pursued in the concluding chapter.

We are constantly exhorted to 'develop along our own lines', as apart from, against, and in competition with white civilisation, just because we are Africans. This shallow fallacy has by sheer repetition become popular and almost a fetish with those who reiterate it. When we seek to elicit further explanation on this article of creed from our kind exhorters we find their conception of it indefinable. Others interpret it to mean that the black man should withdraw from 'white' areas (the towns) and emigrate in Israelite fashion back to his own areas, the reserves (which, as we have pointed out, are now overcrowded), there to make his own discoveries and inventions, stew in his own juice and work out his own salvation away from the white man who now wants the towns to absorb the poor whites.... Thus is Native repression often born of race prejudice, here hidden under academic terminology and disguise.

114

Segregation was an excuse for repression, many felt. It was an ideological bluff because whites never intended anything like a true share-out between races.

c Social consequences - African land shortage and urbanisation

These criticisms were valid. In introducing the policy of territorial segregation in 1913 the legislators had stressed that it was not enough to divide the Union into 'native' and 'non-native' sectors. For segregation to work, they said, the areas exclusively for Africans would have to be enlarged. Yet most whites denied that the reserves were inadequate, and therefore would not sanction the grant of extra land promised in 1913.

Hertzog's first term of office had been a bad time for getting extra laws through to release the promised land. With the fortuitous boom conditions after the First World War, South Africa advanced industrially and prospered between 1923 and 1928. The higher standard of living and security lulled whites into greater self-interest than ever. It was not a time to fulfil promises of land to Africans. Besides, most whites feared that extending the reserves would check the flow of labour just when all sectors of capital needed it most. The best way to boost the labour supply, they said, was to restrict land for Africans and so drive them into jobs. The land policy froze accordingly.

As one government after another failed to grant extra land, Africans saw more clearly that land segregation threatened their right to hire and own land outside the reserves. This is how John L Dube, a prominent spokesman, summed up in 1931:

Land is the greatest question that exercises the mind of the Native. Nearly all his grievances are subordinate to that of the land. He feels that if he had adequate land, he can flee from the troubles of urban areas and live in peace in his own land. But even Pondos, Basuto, Swazis and Bechuana are compelled to leave their lands and seek money in industrial centres. So while land is badly needed for the Native people, since the Reserves are crowded and some cannot support their present inhabitants there must be considerations as to the use of land. No fair-minded person can assert that Natives have adequate land. The first duty of the Government is to provide several million acres of land for the Natives. This promise was made by the then Government when the Natives Land Act was passed in 1913. The other provisions of that Act are in operation and the matter of land for Natives has not been acted upon. This has made a difficult problem worse confused. The partial working of this Land Act has been the source of much Native unrest. It has stopped the Natives from hiring land except under servile conditions; hindered Natives from buying land in European areas; refused Natives the opportunity to hire land on shares; become the mother to the Urban Areas Act etc., and yet it is asserted on all hands that the Natives' future is in agriculture and not industry for the present time at least. When the case is put before the Legislature, nearly all Members of the House of Assembly cry out, 'Not a single additional acre for the Natives'.

115

This view of the whites' response is confirmed by parliamentary debates and other less formal proceedings of the time.

Little wonder then that Africans so restricted began to do all they could to stake their claim in the reserves. Those who established a claim clung to it as the only hope of even fragmentary security and independence. But many failed, and had to live precariously as flotsam with no land of their own. Despite loud white protestations the reserves were badly overcrowded - a fact that had been stressed not only by Dube and many others before the commission during 1930 and 1931, but also by Beaumont in his report as early as 1916. With growing overpopulation and congestion, and until extra land was released, the only way to accommodate people was to keep subdividing their holdings. As for the landless, they resorted to longer periods away from home: families had to split up more and more.

Thus the Africans whose labour sustained the country failed to get for themselves the only possible advantage that segregation had to offer: places of their own where the idealists said Africans would be free to 'develop along their own lines'. Instead of extra land and a rising standard of living which the growing demand for African labour should have produced, there was only a widening circle of poverty and frustration for both rural and urban African people. As a result,

tens of thousands of Africans who had formerly been able to work on a migrant labour basis were forced to leave the reserves permanently. The farms and mines which offered increasing opportunities for employment did so while denying both stability and security, for they refused to house the families of married workers. For the landless, deprived of their right to an independent existence in the rural areas, and the disenchanting migrants whose jobs exiled them from their families, the only recourse was to migrate to the urban areas where these rights had not as yet been entirely restricted.

This greater influx to the towns speeded up in the early 1930s with the depression and the worst drought in living memory. This mass move meant less labour for the mines and the farms which were said to be in a labour crisis already. It also brought unresolved urban problems to a head. So, during his second term Hertzog had to shift from an almost total preoccupation with the land, franchise and administration to coping with the economic side of his 'native' policy - which we shall consider now.

4 MINES AND FARMS'
CONFLICT OVER LABOUR 1895 - 1924

Landowners - land and labour

State control - land and labour

Farmers' case for squatter eviction

State's case against eviction

Landowners' case against eviction

The mines' conflict with the farms

The farmers' Squatters Bills 1908

Labour taxes before 1910

Partial solution in the Cape

Cape influence on the 1913 Act

Limits on Cape squatting before 1913

Squatters and labour tenancy under the 1913 Act

Squatters and labour tenancy under the 1917 Bill

Recent studies that concentrate on the reserves as a subsistence base to the cheap labour pool for the white economy have assumed falsely that the white farming sector had always supported the system of migrant labour.¹ In fact, the main aim of the farm labour policy was to immobilise labour in the white rural sector, not in the African reserves. Most farmers believed this would solve their labour shortage. Hence the Hertzog ministries between 1924 and 1933 worked towards binding roughly two million resident Africans - classed as squatters, labour tenants and full-time servants - to farmers in the white rural areas.

This meant a reversal of policy. The 1913 Act had said squatters would be resettled on specially granted land. Now in 1926 Hertzog abandoned the idea. The 1913 Act had also arranged to extend the reserves. Nothing was done about that either.²

With the move to keep Africans in the white rural areas, the mines and farms were at loggerheads over labour supplies. Rivalry also grew between landless poor whites and Africans as they all streamed into the towns.

Our concern here is to trace the origins of Hertzog's policy to see if the first intention had been to keep the African labour supply bound in the white rural areas rather than migrating from the reserves. Clearly this was a delicate balance. The farmers favoured a local labour force, the mines a reserve pool. It is of crucial significance to an understanding of Hertzog's motives (not to mention changes of plan) that we see what policies the Pact government inherited and how his predecessors had tried to resolve the conflicting interests of mines and farms. The interests and demands of farms and mines between 1924 and 1933, and how far they impinged on Hertzog's plans, will then be reviewed in chapters 5 and 6.

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- 1 Wolpe focusses on the economic function of the reserves as a source of cheap migrant labour. Legassick takes Wolpe's thesis a stage further by showing that from the reserves one could redirect and reallocate the labour supply between the two dominant sectors of capital - 'gold' and 'maize'. But in both these interpretations the perpetuation of the migrant labour system located in and controlled from the reserves is seen as vital for keeping cheap labour. This chapter contends that a migrant labour system founded in the reserves was seen by most farmers as being detrimental to their interests. This was certainly the case until 1936, possibly until the late 1950s. See H Wolpe's article, 'Capitalism and cheap labour power . . .', pp 425-455; M Legassick, 'South Africa: Capital accumulation and violence', *Economy and Society*, v 3, 3, 1975, pp 253-291, and 'Apartheid and the labour market', collected seminar papers, *Southern African research in progress*, Centre for Southern African Studies, University of York, v 1, December 1974, pp 99-117; also H Wolpe, 'Industrialization and race in South Africa' in S Zubaida (ed), *Race and racialism*.
 - 2 This comparison of the squatter resettlement policies of 1913 and 1926 has necessitated an evaluation of pre-Union squatter laws. See chap 5 for a detailed analysis of Hertzog's squatter legislation, and chap 2 for his policy towards the immediate extension of the reserves.

Landowners - land and labour

As Africans and whites increased, land grew harder to come by and race relations were strained until eventually an answer had to be found to the land problem. However, any solution at the turn of the century was inextricably linked to the labour shortage. As the Transvaal Labour Commission reported in 1903:

It was stated by ... experienced witnesses ... that the fluctuating character of the labour supply is due mainly to the limited character of the native wants and the easy conditions of his life,

The subject of the food supply is thus intimately bound up with the fact that African natives are in possession or occupation of large areas of land suitable for both agricultural and pastoral purposes. This explains the attention which was paid by witnesses to suggested modifications to the system of land tenure....

It follows from the above, that in our opinion, the principal causes affecting the labour supply must be sought in the conditions affecting the natives in his home and kraal and not until these conditions are greatly modified can any great improvement occur. 3

Clearly, white employers meant far more than African workers did to the commission. The powerful landowners had to be catered for. Their demands, said Brookes and Frankel, echoed the farmers' traditional view of land and labour: 'The overvaluation of land as land, and the strangle-hold of the landowner on the rest of the economic society increased.'⁴ Land had increased in value: it might be rich in minerals, one could easily get loans on the strength of it, and its lustre grew with the population and a 'still greater mania for land ownership'.⁵ But, these writers argued in 1930, things were likely to get worse for the landowners despite the rise in land values, because the white farmers were as incompetent as ever. They had not learnt anything more about farming, and their adjustment to a market economy had been slow. Uncritically they kept to the old formulas: amassing land - 'no matter how much remained uncultivated' - and carrying on with 'cheap' servile African labour however inefficient.⁶

Labour had a rising premium as the mining industry grew, and the public works alongside it, breaking the long monopoly of the farmers. The farms and the

3 Report of the Transvaal Labour Commission 1903, paras 71-80 quoted by D Hobart Houghton & J Dagut, Source material on the South African economy 1860-1970, v 2, p 87

4 NEC 1930-1932, typescript evidence of E Brookes and S H Frankel. See also C W de Kiewiet, A history of South Africa: Social and economic, pp 178 ff; Macmillan, Complex South Africa, pp 70 ff and The South African agrarian problem and its historical development; also chap 7 below on origins of the poor white problem.

5 NEC 1930-1932, typescript evidence of E Brookes and S H Frankel

6 *ibid*

mines expected the traditional answers to shortage – a continuous supply of low-paid labour. The farmers preferred a no-wage labour tenancy, the mines a low-wage system of migrant labour. After the Anglo-Boer War the labour shortage became so bad that a solution had to be found at once. Several commissions and committees were appointed simultaneously to review it.⁷ We shall focus on the Transvaal where the labour was scarcest and the conflicting interests of mine and farm greatest.⁸

State control – land and labour

Farmers in the Transvaal relied utterly on local Africans. In 1903 an estimated 143 200 African males lived in the Transvaal, of whom only 27 700 worked on farms.⁹ The mines employed 54 000 Africans of whom an estimated 23.4 per cent were from the Transvaal.¹⁰ The farmers, in competition with the mines, demanded a solution to the land problem that would strengthen their hold on the labour supply. One such solution was to enforce the 1895 Squatters' Law,¹¹ they said, which would push Africans off unoccupied land. These evicted people could then be pressured to settle on farms.¹²

The plan meant uprooting tens of thousands of Africans. Sir Godfrey Lagden, the NC, tried gauging what the upheaval would be. The African

7 SANAC 1903-1905; Transvaal Labour Commission 1903; Natal Lands Commission 1902; Transvaal Land Commission 1904. In the Cape the government appointed a Select Committee to review the Private Locations Act and the granting of individual tenure.

8 Remarks will be confined on the whole to the Transvaal policy between 1894 and 1909. This is not to suggest that the ORC, Natal and the Cape were not involved in working out policies to resolve their land and labour difficulties. On the contrary, restrictions were instituted on squatting and land purchase, and existing labour policies were called into question there too. What changes there were will emerge in course of discussion in chaps 4 and 5. See also chap 2.

9 Transvaal Labour Commission report, para 25; Hobart Houghton & Dagut, p 86

10 Wilson, table 7, p 70. On the shortage of unskilled labour on the mines, Donald Denon shows the shortage relative to the present situation. By 1899 the Transvaal gold mines had built up a labour supply totalling 107 482 Africans and 12 350 whites (a ratio of 8.6 to 1). It proved so difficult to recruit Africans after the war that in May 1904 – two years after Vereeniging – the numbers were 70 608 and 12 414, making a ratio of 5.7 to 1. Department of Mines statistics quoted by Donald Denon, 'The Transvaal labour crisis 1901-1906', Journal of African History, v 7, 3, 1967, pp 481-482.

11 Enacted as Law 21 of 1895 amending Law 11 of 1887

12 Hobart Houghton & Dagut, v 2, doc 3.4.7, pp 85-91

population in the Transvaal, he calculated, was distributed thus:

On private farms owned by Europeans or companies	One-fifth	
On established government locations (reserves)	One-fifth	
On crown lands	One-eighth	
On land owned by Africans	One-twelfth	
On remainder of the Transvaal	Two-fifths	13

To appreciate the range and effect of the Squatters' Law, a knowledge of how Africans fared in the various areas is essential. Questions germane to such an analysis are: what measure of freedom did Africans living in different areas enjoy? Whom would the Squatters' Law affect? Where were the people affected by the Squatters' Law to be resettled? Would they have a choice? What would they prefer?

The Squatters' Law would not affect Africans living on government locations or reserves and on land they owned themselves. African farms were owned by individuals or tribes under the SAR.¹⁴ On these farms the Africans were completely free of state control. The locations and reserves were defined areas held by the government in trust for Africans, and Africans there were subject to limited state control. In the more remote districts of the Northern and Eastern Transvaal where many of these locations were situated, Africans were still relatively independent of working for wages at the turn of the century, says Sheila van der Horst.¹⁵

A second category, African tenants on unoccupied white-owned land - held in the main by large land companies closely associated with the mines¹⁶ -

13 Report on the acquisition and tenure of land by natives in the Transvaal, 24 July 1904, p 3. Sir Godfrey Lagden was appointed as the only representative of this commission to enquire into the past history, distribution and general condition and location of African tribes in the Transvaal. Reports of widespread unsettlement and refusal by Africans to vacate land they had re-occupied during the Anglo-Boer War had led to this enquiry. The report gives full official details of land held in trust, occupied and acquired by Africans between 1836 and 1899.

14 Africans were forbidden to own land in their own right until 1905 in the Transvaal (case Tsewu v Registrar of Deeds, 1905 TPD 130-8). The most common form of purchase was through an intermediary, usually a mission society. See 1904 Land Commission for full details of acquisitions. The implication here that Africans living on mission stations were entirely free is not quite accurate, for a complex productive relationship existed between the mission society and their African tenants. They were, however, out of reach of control by either the state or the farming community.

15 Van der Horst, p 153

16 For an understanding of the conflicting interests of mines and farms and their attitude to the land purchases of successive governments, it is essential that the mines' interest in land be fully grasped. This is dealt with more fully below, pp 149-154 and nn 4.44 and 4.46.

were also fairly independent.¹⁷ So were those on crown land, because although they had the government for landlord its control was very limited. In fact, Africans on crown land were better off because they paid £1 less than tenants did on the farms and also had free grazing and water for their cattle. Landless Africans therefore preferred these crown areas.¹⁸ On African preference for crown land Donald Denoon records:

The liability to work was less onerous and less arbitrary for squatters than for labour tenants, and was paid for at Government rates: - £1 per annum per adult - was significantly lower than the real rent in labour, cash and kind paid to farmer landlords. Again, through lack of staff, the Government was remiss in collecting rents: the Landowners' Association angrily protested that the Land Department had collected only £5 000 of a possible £27 000, with the result that many of the members' tenants were abandoning their landlords to settle on Crown land instead.

19

Tenants ('squatters' under the Squatters' Law of 1895)²⁰ were said to be living illegally on unoccupied white and crown land although in most cases they had owned this land before it had been appropriated by whites. Had the Squatters' Law been applied, it would have affected whole tribes in these so-called unauthorised locations scattered throughout the Transvaal.²¹

Finally, there were Africans living on occupied white farms. These tenants were of three kinds: those working unpaid for a set time period in lieu of rent; those who worked for cash wages if rent was levied; and the share-cropper

17 A distinction is often made between great locations (land occupied independently of white landlords) and small locations (land hired, leased or rented from absentee landlords). Apart from the land companies, individual farmers often possessed two farms. The second one could serve as a 'labour farm' where tenants resided who gave a specified period of service in return for the land.

18 For details on crown land, see above pp 70-72.

19 *SANAC report*, v 4, p 834, evidence of TLOA quoted by Denoon, pp 484-485

20 On the term 'squatter', Sheila van der Horst writes (p 144): 'Confusion as to the exact meaning of the term combined with the reluctance of farmers to admit that they permitted squatting on their farms, makes it impossible even to estimate the local or relative number of Natives living in these different ways.' These remarks are endorsed, but given the urgent demands by farmers to abolish squatting this practice was obviously widespread. To avoid confusion, when 'squatter' is used here it applies to all Africans who hired, leased or rented land from the state or whites and who paid either in cash or kind. Contemporary terminology included such terms as rack-renter, cash-tenant, half-share farmer, cash-cropper and 'kaffir farmer'. These are therefore synonyms for 'squatter'.

21 The largest concentrations were in the Zoutpansberg, Lydenburg, Waterberg and Middelburg districts. For descriptions of these areas, see above pp 73-83 and SC 6a-17, paras 2383 ff.

or half-share farmer who gave part of his crops to the farmer instead of rent or labour.²² Sometimes grazing, water and arable land was included in the (unregistered) contract. Even these tenants – also often termed squatters²³ – lived independently outside their contractual period of service, unlike full-time servants who worked throughout the year and were paid in either cash or kind.

The aim of the 1895 Squatters' Law was to achieve a fairer distribution of labour amongst the farmers. This would have meant limiting each farmer to a maximum of five tenants and redistributing the 'surplus' tenants amongst the farmers rather than removing them. The law had been unenforceable, however, because farmers claimed that the extra tenants squatting on their farms provided them with a reservoir of labour to draw on for their seasonal needs. They argued that state control could be extended to squatters living on crown land, unoccupied land and the reserves instead so that Africans from these areas could be used to augment their supply. Only then would they be prepared to reduce the number of tenants on their farms. The Transvaal Labour Commission in 1903 described the farmers' views on the Squatters' Law thus:

They were all of the opinion that the farmers throughout the Transvaal are unable to obtain an adequate supply of labour; that of the natives living on Government farms, on unoccupied farms and in locations very few can be induced to work for farmers; and that owing to this condition of affairs the farming industry is carried on under the greatest difficulties.

24

Farmers' case for squatter eviction

So, farmers' demands focussed on the problem of squatting on unoccupied land. They demanded the enforcement of the Squatters' Law in full in these areas, but at the same time they vehemently opposed extending the reserves to accommodate evicted squatters. They also rejected the idea of Africans getting the right to buy extra land for themselves. Detailed evidence along these lines was given to the three bodies that were investigating at the same time – the Transvaal

22 This class, the so-called labour tenants, gave service in lieu of rent. They usually resided on the land of the landlord/master, but could have resided on the second unoccupied 'labour farm' of the same person – in which case they were variously classed as squatters, 'kaffir farmers' or labour tenants.

23 It should also be noted that the head of the household usually remained a cash-tenant (squatter), but his children, wife and dependants could be called upon to labour for a stipulated period, or work as domestic servants, seasonal or casual labourers.

24 Hobart Houghton & Dagut, v 2, para 23, p 85

Labour Commission, SANAC and the Lagden Transvaal Land Commission.²⁵ The farmers suggested three other ways to increase the farm labour supply: compulsion, either direct or indirect, modifications of the native tribal system,²⁶ or changes in native land tenure.²⁷ Compulsion was the most popular idea, apparently because farmers felt it was the only way to get immediate results.²⁸ What pressures would improve the labour supply best? Force all Africans to work for a set period each year, some farmers said, perhaps by cutting down drastically on their right to land. Push Africans into the wage economy by new taxation, said others. Or stop them from finding refuge anywhere: step up state control of the reserves, especially those near the Transvaal in Bechuanaland and Swaziland, or even abolish them. To sugar the pill, they said, the tenant farmers on each farm should get arable and grazing rights, reasonable fixity of tenure, and legal safeguards in the form of registered work contracts. This, however, created problems for the white farmers with only a limited amount of land, and for the farmers who farmed intensively. Labour tenants could be lured away from them by large landowners who could offer these conditions of service. As one would expect, then, it was this group of large landowners who emphasised the value of restricting farmers to five tenants each and using only full-time wage labourers. Although still a minority, they insisted that this aspect of the law be strictly applied.²⁹

Even if all this did not attract enough labour,

Under the provisions of the Pass Law, where it deals with labour, owners whose lands are thus occupied would have a reasonable preference of the labour of the adult males resident on their farms. 30

The farmers' response was summed up:

25 Donald Denoon, *Southern Africa since 1800*, pp 129-132

26 The merits of a policy of detribalisation or retribalisation and the supply of labour were discussed in chap 3, p 124-126 below.

27 See especially the discussion on the Glen Grey system of individual tenure and how this was linked to the supply of labour, chap 2 above, pp 58-60.

28 Hobart Houghton & Dagut, v 2, para 88, p 88

29 Although throughout this discussion farmers are referred to in general terms, these distinctions show that farmers did not all have similar interests and attitudes to squatting. Small farmers and progressive farmers who farmed intensively opposed all forms of squatting because it led to maldistribution of the labour supply and it was uneconomical. This group however had no other alternative but to compete with their less progressive colleagues by offering privileges in kind. This distinction should be kept in mind when farmers generally are referred to.

30 Hobart Houghton & Dagut, v 2, para 88, p 88. See also *SANAC report*, v 5, Q 39 950, where the Secretary for Native Affairs gives details of these draconian laws.

Witnesses generally anticipated that the result of this policy would be that the heads of native families having been thus provided for, the surplus adult males would find it to their interests to seek labour among the farmers or elsewhere. Natives would no longer squat on unoccupied farms and the Government lands, nor crowd into locations beyond the number that those locations could support under decent conditions.

31

The whole idea of coercion hinged on the state getting absentee landlords to cooperate. If these landowners - individual farmers and land companies - agreed to end squatting on their land, all those Africans could be moved to occupied farms.³² The farmers of course presupposed in this case that the state would not extend the reserves. Another presupposition, given this arrangement, was that the mines would be catered for by the 'surplus' labour on their farms. Surplus here meant the families and dependants of tenants who, once they had served their contractual period, would be free to work elsewhere.

State's case against eviction

These ideas about how to make the best use of the available labour supply had arisen before: they had produced the Squatters' Law of 1895 in the first place. But even as law they could not be applied. In 1899 General Cronje, Superintendent of Natives, said it was impossible to move the 'Native from crown land as the locations were too small'. Instead, he said, 'Natives should be allowed on Government farms more especially in those districts where it was unhealthy for whites, such as Lydenburg, Waterberg and Zoutpansberg'³³ - many of these areas being still sparsely populated. He urged settling them in state locations because they would not

go to work with Boers, as they do not wish to live on barren fields. The consequence of this is that they fly across the borders, and in that way many are lost.

34

The so-called squatters, understandably wanting to avoid life on the 'barren fields' of Boer farms, were reluctant to move. Lagden's response in 1903 was:

31 Hobart Houghton & Dagut, v 2, para 27, p 86

32 Ibid

33 Quoted in Memorandum on Occupation of Lands by Natives Bill 1908 furnished to the Transvaal Land Owners' Association by the Government when forwarding the draft of the Bill 1908 (Land memo 1908), p 14

34 Ibid

it would be inadvisable to summarily disturb this form of occupation at the present time in certain districts. Were such done, it would tend to place a good deal of land out of cultivation which is now of benefit to the country and at the same time probably, besides entailing a direct loss to the public revenue, drive away across our borders very many people who contribute to the labour supply, and are of great value from industrial points of view. 35

How did Africans generally benefit the country? First, as Lagden said, they did some farming themselves.³⁶ Then, those on unoccupied land were a source of labour, for the mines particularly, and males over 18 years of age paid £2 a year in tax, amounting to a sizeable revenue for the state.³⁷

Cronje and Lagden both implied the SAR had no means of enforcing the law because Africans on crown lands and unoccupied private farms were outside the government's control. Even when the government had tried to enforce the law in Pietersburg, for example, Africans had trekked away across the borders. Hence Cronje's suggestion that Africans be moved into Zoutpansberg, Lydenburg and Waterberg. Malarial, dry, hot and isolated these areas might be,³⁸ but suitable nevertheless because there the government had a fair amount of control.

Landowners' case against eviction

Individual farmers opposed the removal of squatters from private farms. More often than not the farmer who objected was an absentee landlord himself, owning a second farm unoccupied which he kept as a 'labour farm'. He could then demand that his tenants work three months a year on the main farm in lieu of rent. In a labour-starved community, farmers who enjoyed a continuous supply of labour from this source would be loath to surrender their advantage. Others again

35 *Ibid*, p 15

36 Donald Denoon writes: 'white ownership of land, in many cases, developed into a veneer of white ownership, superimposed upon actual African land use. With the passage of time, two further possibilities arose: the African tenant might acquire sufficient cash or sufficient goods with which to buy out the white owner; or he might prove himself so efficient and so capable of producing a good annual rental, that he acquired in effect a long-term lease.' (p 129) The agitation for legislation to put an end to share-cropping and the right to buy land (extended to Transvaal Africans in 1905) lends weight to Denoon's arguments.

37 On revenue, see Hobart Houghton & Dagut, v 1, p 344 where recapitulation of income and expenditure for 1899 is given.

38 Compare this description with those in chap 2 above, p 74 and chap 5 below, p 175.

charged a cash rental of anything between £5 and £20 a year, the higher rents being paid on the more productive farms of the highveld.³⁹

The mines' conflict with the farms

The major land companies also wanted squatters to stay undisturbed on their own land, although they did not object to the removal of squatters on crown land. Represented by the TLOA, they set out their objections in a lengthy memorandum written in 1908,⁴⁰ revealing some complexities of the labour problem and the conflicting interests of mines and farms. The TLOA wanted the Squatters' Law repealed, and in its stead 'the principle be adopted that natives who work as bona fide employees be exempted from their taxes'.⁴¹ The TLOA suggested more than once that as the Squatters' Law was an

attempt to make natives work especially for the white farmer, the best way to attain success would be by means of raising the rent on crown land to a rate which would approximate to the value of the services rendered by the Native squatter to the owner on an occupied farm.

42

In other words the land company owners wanted the farmers to draw labour from the crown areas rather than unoccupied private farms. Why was that?

Most land company owners owned or had shares in mines. For instance, of the Corner House group of companies,⁴³ A P Cartwright wrote:

that apart from gold mines the group controlled, and its large interest in De Beers and the Diamond Syndicate, it was the biggest landowner in the country, for through the Transvaal Consolidated Land and Exploration Company (TCL), it controlled some 2 400 000 acres (1 142 857 morgen).

44

39 1904 Transvaal Land Commission (Lagden), appendix 7, and NAD report, UG 10-13, pp 13-14

40 Copy of notes on the 'Squatters' Act' [sic] or 'Occupation of Lands by Natives Bill, 1908' (Baily memo) addressed to the members of the Squatters' Act sub-committee of the TLOA by H A Baily, secretary, 10 February 1908. This document (which includes a commentary on the 1908 Transvaal Native Tax Act) is housed in the SAIRR library. This Bill is discussed below, p 153.

41 *Ibid*, p 16

42 *Ibid*, p 15. See also TLOA evidence to SANAC quoted in n 4.19 above.

43 See A P Cartwright, Golden age: The story of the industrialisation of South Africa and the part played in it by the Corner House group of companies. (The Corner House group of companies included Wernher Beit & Co; Eckstein & Co; Rand Mines Ltd; and the Central Mining Investment Corporation and its associated Transvaal Consolidated Land & Exploration Co.)

44 *Ibid*, p 17

Originally land companies bought land for its agricultural potential, but later the mining possibilities of these farms attracted men looking for mining areas. As Cartwright notes:

It must be remembered that gold had been found in the north-east at Pilgrim's Rest, Graskop and Sabie, and at Barberton. Between these fields and the Witwatersrand there lay some 200 000 square miles of land that had never been prospected. With land at 2s 6d an acre it required little capital to form a syndicate. 45

He mentions Eckstein, Sammy Marks, Abe Bailey, Alois Nellmapius⁴⁶ (whose 1 262 777 acres were later acquired by TCL), the Marais family, T B Bourke and T W Beckett (proprietor of the biggest store in Pretoria): 'all owned, or were members of syndicates that owned, farms in Rustenburg, Waterberg, Middelburg and Lydenburg districts.'⁴⁷

Squatters were doubly valuable as they meant labour as well as rents to the land companies. As long as the land companies could ensure that Africans continued living on their farms they would continue to enjoy a monopoly over this source of labour. So, as far as the land company owners were concerned, it was imperative to keep Africans out of the farmers' clutches if mining interests were involved. African tenants were also encouraged to settle on land company farms because the perpetuation of the migrant labour system depended on the African peasants keeping a family anchorage on the land.⁴⁸ It was in the mines' interests therefore to secure a subsistence base for potential mineworkers - and where better than on land company land over which the mines through their agents could be sure of being able to exert some control? Any attempt to disturb this pattern would be strongly resisted by those with mining interests, and by those interested in seeing mining reach its pre-war level of productivity.

The landowners were outspoken in putting their case against eviction. Like Cronje, they feared that eviction under the Squatters' Law would drive Africans across the border. As they put it in 1903:

45 Ibid, p 268

46 African & European Investment Co was a subsidiary of Lewis & Marks; SA Townships Mining & Financing Co and Transvaal Gold Exploration & Land Co merged with Lydenburg Mining Estates in 1895, to be known thereafter as Transvaal Gold Mining Estates owning properties which covered 200 000 acres extending over 30 miles across. This preliminary evidence shows an intimate relationship between ownership and control of the largest registered land companies by different mining houses. No empirical study, it seems, has yet been done on the nature of this association, but some of the implications with regard to labour supply and control are suggested here.

47 Cartwright, p 268

48 On migrant labour and the mines see pp 91-93 above and 230-232 below.

in order to limit the danger of the Transvaal losing a large number of its native inhabitants, a uniform South African Squatters' Law is essential, otherwise the Colony which introduces a stringent measure will suffer. 49

Losing Africans also meant losing labour.

The Squatters' Law threatened landowners in yet another way. Africans unable to produce enough crops for their cash needs had been forced into the labour market. As long as they hired land on company farms, they were easily traced, for rent and tax were collected by the land company agents who also acted as recruiters for the mines. A variation of this was the appointment of traders as recruiters. When unable to pay their rent, taxes or debts, Africans could sell their labour and in return the trader would cover their debts for them. Assured of having these debts repaid on the labourers' return and certain of a recruiting fee into the bargain, traders developed the common practice of encouraging indebtedness amongst their African customers.⁵⁰

Losing Africans not only meant losing labour but also rent. Land companies had a basic unit charge of

£2 per Native adult and £2 for every youngster whether he is married or not, as soon as he is entered in the Native affairs register as a taxpayer. 51

Charges were levied on extra wives and grazing fees of large and small stock were additional. According to the NAD report of 1907 there were 495 783 Africans living on private farms.⁵² If one takes a family as a unit of five, roughly 100 000 souls, the rent accruing from the heads of household alone would be about £200 000. Hence, like the individual farmer, the land company owners were receiving a considerable return from the land. If in addition the land company held land in productive areas, beneficial occupation by peasant cultivators ensured that the value of the land would not decline. In the agriculturally poor areas, where few whites would contemplate ever buying land, the landowner was still assured of a steady income from his African tenants.

49 Land memo 1908, p 5

50 E S Haines, 'The Transkei trader', SA Journal of Economics, v 1, 1933, pp 201-216; also evidence of H M Taberer, NC, to the Transvaal Labour Commission

51 This was a uniform rental paid by tenants hiring land on the farms of companies represented by TLOA. As indicated previously there was no fixed rental for Africans on unoccupied farms owned by individuals - see above pp 148-149.

52 Quoted in Baily memo, p 17

Lastly, as the TLOA pointed out, eliminating squatting on private farms would mean a mass resettlement of Africans and their stock. The 806 818 morgen classified as private farms in 1907 held 495 783 families. On the number of stock Baily in 1908 quoted figures from the Registrar of Deeds:

in the Zoutpansberg alone, from the returns in his possession, the Natives own about 100 000 head of cattle, as against 34 485 Departmental estimates. Lydenburg he estimates at 50 000 head, Barberton at 10 000 head and Middelburg at 10 000 head. The Departmental estimate of these districts is 37 670. I think the total returns of native-owned cattle will exceed 300 000 head. 53

The TLOA noted: 'a very large proportion of this stock is the property of the natives settled in districts unoccupied by whites, and therefore [also] subject to removal.'⁵⁴

Where, they asked, were these families and their stock to be resettled? Who would control them if they were chased away as 'squatters'? As the TLOA said:

What guarantee will the government now give private owners that they will so control the Natives after removal that they shall not be able to escape observation in large numbers and hive off again to private farms? It will be an easy matter for a Native to escape observation, as the country is vast and unoccupied by Whites and may remain so for many years to come. The number of South African constabulary to-day in the rural areas amounts to 195 or approximately one man for every 260 square miles. 55

In 1907 government locations totalled 1 056 818 morgen.⁵⁶ The 1904 Lands Commission had laid down strict boundaries for the different African chiefdoms to prevent further expansion. As it was, these were pretty full already in 1904 without the possible influx of over two million people who would be forceably removed if the Squatters' Law was applied. The farmers, Lagden argued, could not take in anything like that number either, especially as most (with the exception of small landowners) already had their own complement of resident workers.⁵⁷

53 Letter by Registrar of Deeds to TLOA, 31 January 1908, quoted in Baily memo, p 19

54 Ibid

55 Ibid, p 19

56 Transvaal Land Commission report 1904, appendix 3, p 79 ff

57 Baily memo, p 17 and Transvaal Native Affairs annual report, June 1909, TG 16-10

Land company owners who more often than not had personal vested interests in the mines as shareholders, were also close to the seat of power at Whitehall. Their arguments would therefore carry a great deal of weight. Since the Transvaal Labour Commission had stated in 1903 that their investigation showed there was insufficient labour in Southern Africa for the gold mines, the colonial legislature would be very reluctant to enforce any law which would interfere with the mines' existing labour supply. Their main concern was to get the gold mines back to their pre-war productivity and in the circumstances the government sided with the mining sector: it refrained from a strict implementation of the Squatters' Law, despite the farmers' counter claims and demands.⁵⁸

The farmers' Squatters Bills 1908

The labour crisis came to a head again between 1906 and 1908. There were several causes. The failure of squatting measures in the Transvaal had been cushioned in 1903 by the decision to indenture 10 000 Chinese labourers.⁵⁹ In the ORC the colonial representatives had agreed in 1903 to amend the Master and Servants' Law so that it applied to farm tenants as it had to full-time servants.⁶⁰ This meant that all farm tenants had no option but to serve a stipulated period in return for the right to occupy land on a private farm. Breach of contract was also considered a criminal offence. This brought some relief to the farmers there. In the Cape, the Private Locations Act had been amended to restrict squatting on unoccupied farms and crown lands, while in Natal the law was strictly applied, severely limiting the sale of land to individual Africans.⁶¹

58 Evidence for the close relationship between the mining capitalists and Milner during the reconstruction period is to be found in an unpublished article by Donald Denoon, 'Capitalist influence and the Transvaal Government during the Crown Colony period' lent to me by Professor Davenport. Denoon brings out the influence of a section of the mining magnates in shaping native policy (and every other major department of government) in this article. Of particular interest are his remarks on Sir Godfrey Lagden who chaired SANAC and the Transvaal Land Commission. On Lagden he writes (p 8): 'The Commissioner of Native Affairs, Godfrey Lagden, was intellectually feeble and temperamentally unstable: through assiduous flattery, the members of the Chamber persuaded him of his abilities, and helped him draft his policies.'

59 See Peter Richardson, 'Mobilizing labour for the South African gold mines: The recruiting operations of the Transvaal Chamber of Mines in South Africa: 1903-1905', *ICS*, v 7, 21, pp 117-138, and Denoon, 'The Transvaal labour crisis ...', *Journal of African History*, v 7, 3, 1967, pp 481-494.

60 SC 6a-17, para 2666, evidence of A M Baumann; and see n 5.52 below.

61 Marks, pp 119-144; Slater, pp 38-53

These expedients proved unsatisfactory. Drought, followed by a slump in 1906, brought many farmers to the brink of bankruptcy.⁶² In 1907 the decision to repatriate Chinese mineworkers and the industrial strikes had brought labour to crisis point in the mines. Coupled with this labour crisis, the rebellion of Africans in Natal forced whites in all four states to question the basis of their separate African policies.⁶³

Whites in the Transvaal also took fright at the Supreme Court judgement in 1905 in the case of Tsewu v Registrar of Deeds which gave Africans the right to buy land freehold – something which had only been possible through an intermediary before this date. The new right for Africans made whites feel all the more insecure at a time when growing rural poverty was driving whites off the land into the towns.⁶⁴ Africans, who were already considered a commercial threat in the marketing of produce, would now be given the chance to compete with whites in buying land.⁶⁵ This increased the threat of commercial competition. In the meantime farming on shares between whites and their African tenants was becoming more widespread. This practice displaced the bywoners, for the latter, unlike the Africans, did not offer labour to the landlord in addition to a return in cash or kind. These developments threatened the traditional master-servant relationship and were denounced with alarm.⁶⁶

These events culminated in a strong line being taken on squatting and the hiring, leasing or purchasing of land by Africans. The legislatures of the Transvaal and ORC were the most vehement. These bodies, with responsible government from 1906 and 1907 respectively, had majorities of Dutch-speaking farmers.⁶⁷ The stage was set for posing the squatter problem again. Both Houses gazetted Bills that set daunting penalties against landholders and Africans who continued to hire, lease or cultivate land on shares.⁶⁸

62 Transvaal Indigency Commission report, TG 13-08, p 10; and UG 49-23, p 5

63 Shula Marks writes (p xx) on the lessons learnt by both black and white from the events of 1906-1908: 'apart from all else, the policy of allowing "native affairs" to drift was questioned; the Africans had somehow to be taken into account. For many whites Natal's experience showed the urgent need for white unity and a single "native policy".'

64 De Kiewiet, pp 193-195, and below chap 7, pp 251-252

65 See Denoon, quoted above in n 4.36.

66 This is discussed more fully below in chap 7.

67 G H L le May, British supremacy in South Africa, chap 7; N G Garson, 'Het volk', Historical Journal, v 9, 1, 1966, pp 101-132

68 The Transvaal Bill dealt with residence of labourers on farms, in African locations, mission stations, urban villages and townships. The Free State Bill was an anti-squatting measure designed also to outlaw share-farming.

The farmers relished these proposals, which met their demands in full. But others strongly criticised the Transvaal's Occupation of Lands by Natives Bill of 1908. A Cape advocate, J M Orpen, said:

This Bill to prevent Natives from making a living by agriculture or pasturage would go so far as to reduce the Blacks to an absolutely servile condition throughout the country. It is said to be at present lying in the Colonial Office, not disallowed, but reserved for further consideration. It is believed that the enforcement of this law would cause the eviction of a large population of Natives (600 000 was mentioned) who have for many years been engaged on farms and for whom there would be no room elsewhere, as the Native Reserves are overcrowded.

69

The same was said of the revised Squatters' Law tabled but disallowed in the ORC. Both these measures had two distinct objects: 'to prevent the farming and rack renting of Natives' and 'to bring about a more satisfactory distribution of native labour on the farms'.⁷⁰ In the Transvaal measure, though, provision was also made for 'the establishment, regulation and control of Locations, Mission Stations and Native Townships'. It was thus the first comprehensive land Bill dealing with Africans on all classes of land including Africans in urban areas.⁷¹

The fact that both these measures were disallowed at the time meant they had no immediate significance. Their implications in the long term were to be far-reaching, however, as will emerge in a later analysis of the land and labour measures introduced by Hertzog after 1924 - but this anticipates later developments whose implications we need not explore now.⁷²

As could be expected, many opposed the Bills out of self-interest. Leading the opposition were the landowners and mining sector. The TLOA threatened:

If the government proposals are such as the first draft Act [Natives' Occupation of Lands Bill] signifies, then owners should combine and face the government unitedly with a request to remove all Natives off members' private farms.

73

Such a move would release the landowners from having to pay the prohibitive licences which ranged from £1 for every family over five to £5 per year where the

69 J M Orpen, The native question in connection with the South Africa Bill, p 11

70 See also Transvaal Gazette Extraordinary 529 of 1908, Government Notice 484; ORC Government Gazette 599 of 1908, Government Notice 362.

71 It is interesting to note that section 9(2) states: 'It shall not be lawful to grant or transfer to any native any title to land in a township, other than a village established or recognised under this section.' For urban policy, see chap 8 below.

72 Chap 2 above, p 100 and n 2.136, and p 168 below.

73 Baily memo, p 20

number of families exceeded fifty. But this was a veiled threat; their real objections and alternative plan they stated thus:

The extension of the Location system is the only proper method of dealing with this question. The Boer leaders have openly stated their views on the matter. They are opposed to the idea. If the system of segregation of Natives on Crown land is not practical, the alternative is to regulate the terms of settlement of Natives on private land, but no limit can obviously be placed on the numbers allowed to squat.

74

Their suggestion of how this settlement of Africans on private farms should be regulated shows exactly where the true interests of land company owners lay. They argued:

The terms to be arranged should be of such a nature that, while they do not compel a Native to leave his holding, they should not at the same time be so easy as to allow him to squat in idleness, nor, on the other hand, so harsh as to amount to rack renting.

75

In short, the only acceptable arrangement would be for the government to ensure Africans enjoyed a partial subsistence from their land. They were vehement in their opposition to the clause that prohibited wives and children from staying on white land unless they were actually paid servants of the white owners, but they agreed with the farmers that progressive peasant farming amongst Africans was against their interests because it enabled Africans to spend their time in 'idleness' on the land. Yet unlike the farmers, the land company owners did not want Africans to become wholly dependent on the modern sector for their existence.

Thus mining capital - influential in Whitehall - fought the Bills that favoured the farmers at their expense. It was argued that the mines' labour supply could not be disrupted just when the Chinese labourers had left. The decision to repatriate these indentured men intensified the rivalry between the mines and farms for labour because it again emphasised the reliance of both on the local labour supply. Departmental officials in their turn had pointed out that these Bills were premature as there still was the problem of where to resettle the thousands of squatters. Those working for closer union between the four colonies feared on the one hand that the Bills would hamper negotiations, and suggested on the other that Union with the inclusion of the High Commission territories could be the answer for resettling Africans. The Bills should therefore be delayed.

74 *ibid*, p 19

75 *ibid*, p 20

Labour taxes before 1910

Under the circumstances, as Orpen noted, the Colonial Office kept these Bills for further consideration. To appease the farmers they let through the Native Taxation Act in 1908.⁷⁶ This Act extended partial exemption to labourers residing on a proprietor's second farm. This exemption applied only to tenants who gave 90 days' service in the twelve months preceding the date of collection; but by including for the first time Africans squatting on privately owned, unoccupied farms, the government gave legal recognition to the 'labour farms'. This was done in the hope that tenants of these unoccupied farms would volunteer at least 90 days' service to the farmers in order to avoid the increased tax. In addition, after 1908 all foreign Africans - that is, those from outside the Transvaal - except those already under contract of service, had to pay tax if they stayed in the Transvaal more than a year. (Six months was the period specified in the ORC.) This measure, reminiscent of the original pass fee, was designed to coerce foreign Africans en route or returning home from the mines to offer three months' labour on a casual basis to the farmers. In this way the farmers' seasonal demands for labour could be met without having to offer land and grazing rights in return for service.

The additional tax was meant to force more Africans into the labour market. From 1908, moreover, taxes were to be paid promptly by Africans themselves. This relieved the under-staffed NAD of the responsibility of collecting from them. With the onus shifted on to every African male over 18 years to pay this tax or prove exemption, it was argued, the tax would work effectively as a labour measure. Non-payment meant immediate arrest. The reason the government gave was that

defaulters have frequently escaped conviction on the technical ground that the prosecution must produce evidence of default. Such a course would entail considerable labour and production in Court of Registers and counterfoil receipt books from all parts of the country. In fact, it is difficult to see how a conviction could be secured under such circumstances without dislocating the work of collection.

77

76 See Memorandum explaining reasons for variations between present Ordinance and the Draft Native Tax Amending Bill furnished to the TLOA 1908 (Tax memo). Evidence for this section has been drawn from this memo and should be compared with the section on farmers' demands before the Transvaal Labour Commission cited above, pp 146-147

77 Tax memo, p 25.

Thus began the formal system of labour tenancy in the Transvaal, and another coercive measure had been added to the statute book designed to force Africans to enter the wage economy.

This law, in merely regularising labour tenancy, left unresolved both the squatter problem and the matter of Africans being allowed to buy land freely. As Frankel said:

The short-sighted outlook of the dominating agricultural class of white employers was able to see in this situation only one problem - the danger that with the increased number of locations, and the independent ownership of land by Natives, the labour supply became insufficient for their needs; the growth of the amount of land in Native possession must, therefore, be limited. For was not the Native penetrating too deeply into the European areas, and was not the ideal of a 'White South Africa' in danger? 78

These views and the fact that the labour crisis was no nearer a solution by 1910 forced the first Union government to face this problem almost immediately.

Partial solution in the Cape

Even such a cursory survey of the labour problems and solutions in the pre-Union period makes it clear that, allowing for local differences, the labour problem in the wake of the mineral discoveries could not be solved along the traditional lines demanded by the farmers. The areas of conflict between mine and farm had been clearly defined, but no way through them had been found. This was still the position at Union when, with the Natives' Land Act of 1913, the labour problem was first tackled on a national basis. The farmers still made the same old demands. They urged the Botha ministry to abolish farming on shares and also the indiscriminate kind of squatting on unoccupied land. Except in the OFS, the 1913 Act did neither.

The government's aim was to bring the farm labour policies of Natal and the Transvaal into line with the Cape where squatting and farming on shares had been controlled to some extent. But because the 1913 Act also delayed the immediate wholesale eviction of squatters from crown and unoccupied white-owned land in Natal and the Transvaal, it was never fully supported by traditional farmers or those who kept 'kaffir farms' either for labour or rent, even in the OFS. This - together with the Act's concern to extend the African reserves for the resettlement

of evicted squatters from unoccupied white-owned farms – shows that the 1913 Act actually favoured the mines, and not the farms as is usually supposed.

We shall review the subject here, and show that the decision to extend the reserves by releasing extra land was motivated by the need to perpetuate the mines' migrant labour supply. It was not an altruistic move to compensate Africans in Natal, the Transvaal and the Cape for the loss of their free right to buy land, nor did it have anything to do with 'allowing Africans to develop along their own lines' as traditional interpretations suggest.⁷⁹

Cape influence on the 1913 Act

How far did the 1913 Act incorporate Cape labour policies? SANAC favoured the Cape laws in their report.⁸⁰ Along with most whites they thought that squatting by Africans on private lands should stop. After reviewing the anti-squatting laws in each of the four states, however, they concluded: they approved of squatting as a policy, but it should be regulated along clearly defined lines.⁸¹ In recommending this policy, they went on to say: 'attention may be drawn to the Cape Colony system, which admits of private locations upon certain governing conditions'.⁸² As well as the Cape system to control squatting on unoccupied land, they liked the Cape way of cutting down squatters on occupied farms. Basing their recommendations on the Private Locations Act of 1899, they declared:

that outside of bona fide servants of the owner no Native should be permitted to live on private land except under Government sanction and even then subject to an adequate annual licence to be paid to the owner.

83

79 See n4.108. The motives underlying the state's land policy are explored in chap 5, where traditional interpretations are also examined – see p 171.

80 Although land tenure was dealt with in chap 2 (pp 58–60) SANAC's recommendations have a bearing on the discussion here. They advocated individual tenure along Glen Grey lines, it will be remembered, so that the right of permanent occupation would be assured but subject to certain reservations not applied to white holdings. For example, Africans would lose their title if convicted of rebellion, treason or sedition; if they failed to pay rent or tax punctually; or if they were convicted for a second time of stock theft. It was also recommended that (unless there were special circumstances) the maximum holding should be approximately four morgen and no mortgaging should be permitted. Further, no transfer or alienation of the land was to be allowed without government approval. These recommendations should be borne in mind when assessing SANAC's views on squatters.

81 SANAC report, v 1, para 175

82 *Ibid*

83 *Ibid*, para 181

They continued, 'As in the Cape, the principles applied to private property should be applied to crown land.' However, they emphasised:

removal can only be gradual after the most careful consideration,
and under circumstances which will enable the Natives to find work
and live elsewhere.... 84

SANAC therefore also believed that squatters should not be summarily evicted before additional land had been provided for their resettlement. Hence they recommended

the creation, subject to adequate control, of native locations for
residential purposes near labour centres or elsewhere, on proof that
they are needed. 85

The principle of territorial segregation was therefore not presented as an a priori truth, but possessory segregation⁸⁶ certainly was.

The SANAC proposals, the Cape Private Locations Act of 1899, and its 1909 Amendment are significantly like the Natives' Land Act of 1913 (chapter 2 and clauses 13 and 14 of the final chapter headed 'General and miscellaneous'). Comparison shows that J W Sauer drew on what he knew of Cape policies and the SANAC proposals when drafting his original Natives' Land Bill in 1913. This was not surprising since only in the Cape had labour tenancy been regularised and squatting effectively killed. His Bill set out to do the same for the whole country.

Limits on Cape squatting before 1913

Anti-squatting measures date back to 1878 with the first attempt to restrict residence on white farms to bona fide employees. Other enabling Acts⁸⁷ followed, until in 1891 Walter Stanford, Chief Magistrate of Tembuland and

84 Ibid, para 175

85 Ibid,

86 Brookes first used these terms to distinguish between a complete or residential segregation which he said was 'dead', and partial or possessory segregation which simply meant African rights to land were restricted to certain areas. These areas could be delimited so as to accommodate the labour needs of the whites on proof that such areas were needed. See Brookes, History of native policy ..., pp 320-321.

87 A private location was defined by Act 8/1878 as any number of huts exceeding five within an area of one square mile occupied by Africans not employed by the farmer. The definition was changed by Acts 37/1884, 33/1892 and 30/1899 by which time a private location meant any number of huts occupied by one or more African male adults other than those employed by the farmer. See Keppel-Jones, p 191.

considered a staunch 'Cape Liberal',⁸⁸ was able to write:

There is no more vacant land for the young swarms to hive off into now. Thus the labour question is bound up with the land question. The man who has no land and no trade must work for someone else who has.

89

The shortage of land produced new problems. Landless Africans were being forced to rent land from farmers at exorbitant rates, an easy means of income which the whites affectionately termed 'farming kaffirs'. It became a widespread tradition in the Cape. This exploitation of landless Africans was partly why these private locations or 'kaffir farming' areas proliferated. There were other reasons, though, as Beaumont suggested in his 1916 report – for instance, why the Cape locations in the Great Kei valley were set up:

The farms in the valley, especially those now occupied by the Natives, would not carry sheep on account of the heat prevailing in the low lands. Cattle farming was attempted, but the prevalence of ticks more particularly in the bush veld parts rendered this industry unprofitable. Agricultural pursuits were, under the circumstances, quite an impossibility. It is not difficult, therefore, to understand that land in these parts of the country would be of very little value, and owners would be prepared to welcome the arrival of the Native lessee or squatter. Thus began what is humorously styled 'Black Persian' farming. On account of his limited requirements, and with small winnings from his gardens and cattle, supplemented with liberal cash returns from the Gold Mines, the Kaffir would maintain himself, and, when in sufficient numbers, he could pay a handsome return to his landlord.

90

This crude official account shows why absentee landlords and those interested in securing labour for the mines valued these locations on dead land. The locations even proved a convenient pool of seasonal labour for farmers nearby. These three white sectors would oppose any move to abolish them.

However, as land and labour got scarcer, farmers' complaints began to focus on the rural location system and the related problem of African squatting. At the 1891 Congress, Rodney Davenport records,

88 Sir Walter Stanford, former Chief Magistrate of Tembuland and Superintendent of Native Affairs in the Cape Colony. He served on the SANAC 1903–1905; as Secretary for Native Affairs 1904–1908; as Cape delegate to the National Convention 1909; and on the Beaumont Commission 1913–1916. He was seen as truly representative of the 'Cape Liberal' tradition. See Tatz, p 20. Like Sauer, he gave his support to the 1913 Natives' Land Act.

89 Cape Native Blue Book 1892, p 43. See also W T Brownlee's remarks, Cape Native Blue Book 1894, p 52 quoted by Brookes, History of native policy . . ., p 328. According to Brookes, p 109, Standford was closely associated with the formulation of the Transkeian native policy and the Glen Grey system.

90 UG 19–16, appendix 8, p 9

the Bondsmen pressed for radical changes in the Locations Act, urging the imposition of heavy penalties on individuals who maintained squatters on their land. They wanted legislation to prevent Africans who could not prove that they had a *bona fide* means of livelihood from settling in locations, and to place all locations under the supervision of the Colonial police. 91

By 1899 almost all the farmers' demands had been met. Squatter permits had been made expensive and difficult to get; the number of adult males in each location had been limited to 40; all locations were put under the control of the NAD. Before issuing a licence to establish a private location, the needs of the particular farm had to be assessed. There was only one issue on which Cape farmers, like their northern counterparts, could get no satisfaction, however – how to end squatting altogether. The farmers urged 'the government not simply to prevent the establishment of more locations, but so far as possible to abolish those which already existed'.⁹² On the farmers' motives for such a move, Davenport writes:

A good many Bondsmen undoubtedly hoped that the abolition of the locations would force more Africans on to the labour market by making them dependent on the mercy of some farmer for a place of abode. 93

In view of the difficulty of finding other places for squatters, the government had refused to abolish established locations in the Cape. However, an Amendment in 1909 to the Private Locations Act gave the farmers some satisfaction.⁹⁴ For the first time there was a distinction between labour tenants (needed for the farm) and squatters – who under the Act were now called ordinary tenants. The latter were to be phased out by charging a high licence fee of at least £36 a year, and making private locations conditional on the permission of both the divisional council and the Governor. The government hoped this would stamp out squatting by encouraging labour tenancy instead, as Africans now had no land to trek to and prohibitive licences to pay.

Despite these new restrictions, the government still believed in keeping a territorial base for potential migrant workers, in the interest of the mines' labour supply. They therefore regulated private locations only on unoccupied private and crown land. In the remaining locations the one-man-one-lot in survey districts was to be encouraged, as an earlier chapter has shown.⁹⁵

91 Davenport, 'The Afrikaner Bond ...', p 301

92 *Ibid*

93 *Ibid*

94 In 1907 the Cape Colony appointed a departmental commission to investigate land settlement on unreserved land, with a view to controlling squatting and applying existing location laws. As a result of this report the Private Locations Act was amended. But the inadequacy of the land set aside for Africans had also been highlighted. To study this question a second commission was appointed. See Van Biljon, p 428, and Cape Colony, Reports of the NAC, G 26-10.

95 Hence the appointment of the 1909 Select Committee. See also chap 2, pp 83-87.

Squatters and labour tenancy under the 1913 Act

Chapter 2 of the 1913 Natives' Land Act extended the ban on the sale of land between 'natives and non-natives' to the hire, lease and sale of land outside the scheduled reserves. This was an attempt to regularise and limit the different forms of tenancy on occupied farms throughout the Union. Clauses 13 and 14 referred - though the term was nowhere employed⁹⁶ - to the squatters living en masse on both occupied and unoccupied farms in the 'non-native' areas and giving, in return, a share of their crops or a cash rental. These clauses aimed eventually to outlaw these practices. But as Davenport and Hunt have shown,

The Act did not authorise the actual eviction of Africans from white-owned land, except insofar as this was already required by law, and Section 8(1)(a) explicitly stated that existing agreements for the hire of land could remain in force until such time as Parliament had made provision for the release of further land for African use. 97

Wilson sees the Act differently:

The Act, like many laws before it, was aimed also at the elimination of 'Kaffir farming' ... (Africans who were allowed to live on their farms in return for rent paid either in cash or labour), the Act was

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- 96 Although the term 'squatter' is not defined in the Act, Sol Plaatje writing in 1913 described a squatter as 'a native who owns some livestock and having no land of his own, hires a farm or grazing rights from a landowner' (p 17). See also House of Assembly Debates 1913, cols 2270-2298, and Davenport & Hunt, p 33.
- 97 Davenport & Hunt, doc 68. This did not apply to the OFS where existing legislation prohibiting squatting, leasing and ploughing on shares was reasserted under Law 4 of 1895. See Natives' Land Act 1913, section 7(1)(2)(3). Davenport & Hunt argue that under this section contracts were not immediately invalidated in the OFS. Many Free State farmers, they suggest, after reading section 6(c) of the Act in conjunction with sections 7 and 8(2) concluded that they 'were obliged to force African farming partners either to leave the farm with their stock, or to sell their stock as a condition of remaining on as labourers. (doc 68, p 42) This view is not consistent with that given by the Beaumont Commission report UG 22-16, p 3. There is also a possibility that Sauer introduced section 7(1)(2)(3) excluding the OFS into his second draft only after Hertzog had accused him on 28 February 1913 (when the Bill was first introduced) of not going far enough in his squatter provisions. See Gazette Extraordinary 361, 5 May 1913, and Davenport & Hunt, doc 91, p 57. Why else did Sauer reassert the status quo in the OFS but specifically abolish the restrictions that applied in the Transvaal? See Natives' Land Act 1913, section 6a(7). Until a copy of Sauer's original draft is found this assumption is necessarily tentative.

little more successful than its predecessors in compelling farmers to forego the benefit of substantial revenue from land whose opportunity cost was negligible. Squatters continued to be 'an evil', in the eyes of farmers who did not have them. 98

Wilson's argument is based on a common misconception that the farmers wished to abolish all forms of squatting. Our earlier analysis of the Transvaal conditions shows farmers wanting the absentee landlords (including land companies) to be forced to evict all squatters from unoccupied land in the hope that these Africans would have to seek work on the farms. It also shows the mines opposing this policy. Hence the moratorium on evicting squatters before extra land had been secured for resettling them in 1913.

Squatting, in the form of half-share farming, share-cropping, rack-renting and all the other derogatory terms used to describe the tenant who lived on an occupied farm and paid for the privilege in cash or produce, was another matter entirely. Under no circumstances did the large landowner wish to see this man evicted. What he did want was some means to force him to labour for a set time each year - hence the 90-day exemption clause for all labour tenants in the 1913 Act.⁹⁹ As had happened in the Cape,¹⁰⁰ the government obviously hoped that with an exemption from high fees, former squatters would opt for labour tenancy.

As for the radical restriction on the number of labour tenants to five, this limit had been re-introduced to accommodate the demands of the small farmer and those who had begun farming intensively. Unable to offer land in exchange for service, these farmers - often the most progressive - were experiencing great difficulty in attracting labour. The government, by placing a moratorium on the eviction of 'surplus' labour tenants, showed they realised that this aspect of the law would also be unenforceable. In the main they lacked the means to redistribute labour tenants amongst the farmers, and they were not prepared to use force. Moreover, the farmer who kept a location on his farm opposed any attempt to interfere with his private labour reservoir, especially as the government could not guarantee to channel the reserve Africans to the farms to meet the farmers' increased seasonal needs.

98 F Wilson, 'Farming 1866-1966' in M Wilson & L Thompson (ed), The Oxford history of South Africa, v 2, p 128

99 Natives' Land Act 1913, section 10(1)

100 Report of the Select Committee on Native Affairs, SC 3-10, p 4 discussed the success of the Private Locations Act 1909 in the Cape, the recommended legislation broadly on the lines of the resolutions arrived at by the SANAC.

The true objects of the labour clauses were summed up by Merriman:

They came in a sort of half-hearted way and professed that they were against squatting. Now they were going to turn these squatters into something like Russian serfs. What was this idea of serfs? It was a man who lived upon the land and had to give service in return. They were going to wink also at this labour tenancy. If there was one thing that kept his country back it was labour tenancy. (Hear hear.) He had heard the Prime Minister declaim against the slovenly way in which these farms were worked by labour tenants. A man, instead of working his land like a European, hired a lot of families to squat upon it and work it. And they were going to legitimise this. For four months a year these natives were going to scratch up a man's ground. Normally they were in a man's employment, but actually they were in the position of Russian serfs. A more degrading class of farming could scarcely be imagined, and the whole object of the Bill should be to do away with it. 101

Contrast the official interpretation. According to the departmental Agricultural Journal, the Act was a 'death-blow' to 'kaffir farming' - always the bugbear of right-thinking farmers:

It will mean the clearing off of large numbers of natives from European farms, the native simply being allowed to work in return for a wage. The result will be good, clean, straightforward farming, whilst land in non-native areas that is not being farmed by Europeans will simply remain idle. 102

What the Agricultural Department really wanted was a complete transformation in the system of farm labour, where only full-time wage labour was employed. This, even if farming land in the white areas had to stay idle to prevent Africans from avoiding work on the farms.

The appointment of an official body to determine individual farmers' labour needs was also a Cape method that had worked successfully. Yet most farmers condemned it. In a heated debate a Natal farmer challenged:

'Squatters' and 'Labour Tenants', which is another aggravating Clause. It practically places an employer of labour on a level with the applicant for a canteen licence. He has to make all sorts of applications, and to advertise, and to pay an excessively high licence. Then again you have to make an application to a Magistrate and he has to consult the Divisional Council, and if there is not a Divisional Council, two or more persons nominated by the Governor-General-in-Council. Now what does the Divisional Council know about the conditions in that instance and what can the two men appointed by the Governor-General-

101 House of Assembly Debates, 5 June 1913, col 3150

102 The Agricultural Journal of the Union of South Africa, v 4, 1, July 1913, p 4

in-Council know about the quantity or the quality of the work the farmer requires to be performed?... I never saw such gross interference with the rights of the subject as appears in this Bill, and I am surprised that anybody puts up with it. 103

There was a stay of execution on these clauses until a commission had recommended what extra areas could be released. Only then would the saving clause go. By including the saving clause, however, Sauer showed that he sympathised with the mines' labour needs and not with those of the irate farmers who were demanding to be left alone. He justified his action thus:

The crux of the whole matter was the unsatisfactory position with regard to Native squatters. This was a Bill to make provision for the settlement of the squatter question by providing land or places to which they might go if they were removed from the farms. 104

Linking the resettlement of squatters with the decision to first set aside other land, he argued that 'there were 200 000 squatters in unlawful occupation in 1912'. He was convinced that 'in the interests of the Natives it was well that the question of squatters should be dealt with'. Like his predecessors he was not prepared to abolish squatting without first providing other areas for people.

The OFS was excluded from this moratorium,¹⁰⁵ and in the Cape squatting was controlled under the 1909 Private Locations Act. What significance did Sauer's saving clause have for the Transvaal and Natal?

Squatters and labour tenancy under the 1917 Bill

There is enough evidence to suggest that despite vehement opposition from farmers, the government at the time of the Native Administration Bill in 1917 was still set on its resettlement policy. In this connection it is important to realise that the Beaumont Commission had already reported and the extra areas it recommended releasing were listed in a schedule attached to the 1917 Bill. Once the Bill became law, therefore, evicted squatters could in theory be sent to these areas. That this was the government's intention is clear from the type of questionnaire sent to all magistrates and NCs by the 1917 Select Committee.¹⁰⁶ In it

103 Evidence of Senator J Schofield, SC 6a-17, para 3477

104 Quoted by the Johannesburg Joint Council, Memorandum 1, Natives' Land Act (1913) Amendment Bill, appendix D

105 See above, n 4.97.

106 The questionnaire asks specifically for 'Approximate number of families likely to be turned off farms if provisions of Natives Land Act prohibiting sowing on shares or leasing of land etc. [sic] by Europeans to Natives were strictly enforced.' See appendix C.1.

officials throughout the Union were asked about the 'approximate number of families likely to be turned off farms if provisions of the Natives' Land Act prohibiting sowing on shares or leasing land etc. by Europeans to Natives were strictly enforced'.

Had the emphasis been on the present and future needs of Africans restricted in the scheduled reserves and on what extra was needed to resettle Africans moved from white areas - which would accord with the professed aim of racial segregation - there would be some substance in saying that the 1913 Act was a precursor of the separate development policy. But this was never the case. At no time were predictions or projections called for to assess the viability of the reserves as the Tomlinson Commission later had to do. The government was faced with possibly having to scrap renting agreements of roughly 200 000 families, Sauer said, and how and where were the government going to resettle nearly 1 000 000 souls along with their stock? For this would have been the result if the anti-squatting measures had been immediately applied to Africans on unoccupied land in the white sectors of the Transvaal and Natal.

It would have been disastrous for the mines had most squatters agreed to convert their tenancy into a three-month labour service so as to keep some foothold on the land. Setting aside extra land was a pre-emptive move by the Botha government to ensure that the mines' labour supply was not disrupted.¹⁰⁷ As such, it prevented the farmers from regaining their former monopoly over the Union's labour supply in all provinces except the OFS.

Sauer's resettlement policy was denounced by one farmer after another in evidence before the 1917 Select Committee. Senator Schofield, a Natal farmer, exclaimed in obvious distress:

I do not understand what is the difference between the meaning of 'servant' and 'labour tenant', and to my way of thinking I do not see why there should be oppressive conditions of this sort, they are so different to what we have been accustomed to that they appear to be oppressive. I am speaking now of the relations between the European farmer and his servant. As far as I can understand there is no interference with them in the Cape Province in the manner in which it is proposed to deal with Natal in this Bill, and I do not know that these labourers that I have seen down here are any different or any better in any respect than the Kaffirs are with us....

I am wondering whether it is not possible that there shall be provision in this Bill such as there was in the 1913 Bill whereby it was provided

107 The areas the mines recruited from (both before and after the 1913 Act was passed) are discussed in chap 6. That analysis lends extra weight to the argument given here.

that it should not apply to the Transvaal. It was in Proviso (a) of Clause 6 of the Act; I think the Prime Minister will remember that there was a provision in that Bill that the Act would not apply to labour in the Transvaal.

Sir Bisset Berry Until the Commission reported?

Schofield Yes.

Sir Bisset The Commission has now reported, you see?

Schofield I want to know what right the Government has to interfere between me and my Native servants.

General Louis Botha (chairman) Now that is the principle of the Bill?

Schofield The principle of the Bill?

Botha That is the principle of the Bill - territorial separation?

Schofield I mean that the servant who is working for me - you are not going to take him away from me: you make provision for me to have him. Now I want to know why you interfere with me. You know that I am a farmer and I must have labour to work my farm, and I have labourers living on my farm and some will come from the locations to work for me. What right have you to interfere with the liberty of the subject? Why can there not be provision in the Bill that there shall be no interference with labour in Natal? 108

Because of vehement opposition from almost every farming witness, it had to be explained repeatedly that, as land had been allocated by the Beaumont Commission, squatters would be removed to it in accordance with the segregation principle. This latter proposition scared the farmers a long way from the reserves most of all: they had become accustomed to relying on 'kaffir locations' conveniently scattered amongst their farms on private and crown land.¹⁰⁹ When the local land committees reported in 1918, this was still the position. Stubbs noted that his committee was 'vitaly concerned with the issue of how far these licensing provisions are calculated to react on the broad question of the adequacy and suitability of the recommended areas', since

The object of these provisions is, no doubt, to abolish squatting and labour tenancy conditions and to reduce all Natives resident in non-Native areas to the level of full-time servants within the meaning of the Bill.... 110

108 SC 6a-17, paras 3459-3465. See p 155 above.

109 The validity of this is borne out by the evidence of farmers in the Vryheid and Utrecht districts, for instance. In Vryheid no reserves were contemplated, but in 1916 the estimated population was whites 5 595, Africans 48 568. In Utrecht there were 2 796 whites to 25 678 Africans. Other areas with a similar phenomenon were Dundee, Klip River, Lions River, Newcastle, Paulpietersburg and Weenen. The position was much worse in the Transvaal, where only 1 000 000 or so morgen consisted of defined locations. See Macmillan, Complex South Africa, appendix B where areas with no reserves and relative distribution of Africans and whites are given.

110 Eastern Transvaal Local Land Committee report 1918, UG 31-18, quoted in the Johannesburg Joint Council Memorandum 1, p 14

Considering the effect on the African squatters, he continued:

If the squatter decides to move, as he may well do when confronted with the panoply of law and order, it becomes a matter of vital importance to decide whether in fact, the areas are ready to receive him. 111

Stubbs felt the Transvaal land was not ready for the mass of squatters who would be summarily evicted. 'Much of the land described as "arable and productive" was still virgin bush', he said, 'which would have to be cleared before it was even suitable for native cultivation.' Land said to be 'suitable for grazing was valueless and would have to be supplied with boreholes before it could be adequate to meet the needs of man or beast.'¹¹²

The link between the land company owners' interest in land and the supply of labour to the mines has already been indicated. A strong presumption of this link and the fact that unoccupied white-owned land served as a labour pool for the mines is given in the following exchange between the TLOA and the Select Committee in 1917. On this occasion Reginald Whitcombe Townsend of the TLOA stated:

Although we may be called upon to check the residence of able-bodied Natives, under Clause 17 we are practically used as a dumping ground for infirm or destitute Natives....

I will put it to you that it is not a fair thing to ask the landowner to retain these old and infirm or destitute people without being asked whether he wishes to retain them or not. Surely our rights over that land are sufficiently extensive to enable us to decide whether they have a right to continue to be there. 113

Under the migrant labour system no provision was made for wives, let alone men past their prime. The appeal here is clear: these areas were not to become the 'dumping grounds' for the sick, old and infirm. The implication was that the TLOA wanted only able-bodied manpower-workers for the mines.

The next question to the TLOA vice-president, Percy Greathead, proves how real the fear was that squatters would be evicted wholesale if there were no saving clause.

Acting chairman Supposing the Bill becomes law as it is, what will the members of the Association do with these squatters?

Greathead Clear them out.

111 *ibid*

112 *ibid*

113 SC 6a-17, paras 2577-2578

Harry Stanley Lyons (TLOA president) We do not know what we can do.

Acting chairman Have you made up your mind on any course?

Greathead We have made up our minds that we will have to get rid of them, and we are asking for the machinery to do it. 114

No landowner was prepared to lease land under the prohibitive licensing provisions - £5 per year for every 18-year-old squatter - while non-licensed tenants would be a better economic proposition. Few African household heads could have afforded this sum, let alone the extra for their unmarried sons. The 'machinery' demanded was not only the provision of extra land but state responsibility for this mass removal to the reserves. It was to be given 20 years later under the Native Trust and Land Act.¹¹⁵ In the mean time, the almost total rejection of the Beaumont recommendations was one reason why the 1917 Bill was withdrawn. The 1913 Act with its saving clause was allowed to stand. Once again, tens of thousands of squatters in the Transvaal and Natal were granted a reprieve.

From this analysis it is clear that the decision to provide extra land under the 1913 Natives' Land Act was governed by the squatter measures. For the mines, the only acceptable idea had been resettling Africans on reserve land so that the migrant labour system could continue uninterrupted. The wholesale eviction of squatters for resettlement on the farms continued to be opposed by the mines. Botha's decision in 1918 and Smuts's in 1923 to invoke the administrative dispensation¹¹⁶ to provide relief for landless Africans can also be seen against the background of a labour policy designed by the SAP with mining interests in mind. This - and the continued refusal by the SAP governments to take steps to eliminate squatting on unoccupied land - earned the wrath of the farmers. Sauer, by trying to satisfy both sides, had compromised and ended up pleasing nobody, least of all the farmers.

Between 1924 and 1933 the Hertzog governments revised the farm and mine labour policies. These revisions will be studied in the next two chapters.

114 *Ibid*, paras 2582-2585. Major Percy Greathead was the land manager of TCL. According to Cartwright (p 272) he was instrumental in selling off 2 000 000 acres of TCL's land between 1917 and 1925, retaining only the mineral rights.

115 Act 18/1936, section 37. Not only would land have to be provided for evicted squatters from areas proclaimed under the Act, but the NAD was responsible for finding land for squatters in the reserve and supervising their removal.

116 For details, see chap 2, pp 80-81.

5 FARMERS' DEMANDS AND
FARM LABOURERS 1924 - 1933

Introduction

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2 000 000 Africans tied down to the farms

- a Labour tenants and full-time servants
- b Squatters

Introduction

The time for compromise was over. By 1924 political power lay firmly with the rural electorate and its demands were unlikely to fall on deaf ears. The Pact government's programme shows they responded to the farmers' call. By 1933 a comprehensive farm labour policy had been tabled. This aimed eventually to immobilise roughly two million Africans in the white rural sector for a minimum of three months' service a year to farmers. In this chapter we analyse the farm labour problem from 1924 to 1933 in depth to determine its nature and origin and how far the Hertzog government actually carried out the immobilisation plan.

The farmers' demands over the years had not been completely ignored. The statute book and administrative practices alike bear witness to this. Squatters' laws limiting the number of African families permitted on each farm had been passed in the hope of being able to 'ration' the available supply of labour. Master and Servant Acts had given the farmer an extraordinary measure of control over his labourers in that they gave to civil contracts the support of criminal sanctions.¹ Pass laws designed to curb the movement of Africans from one place to another had been reinforced by farmers' agreements among themselves to pay a uniform wage in order to avoid counter-bidding for labour. Regulations and laws existed to prevent farm labourers from changing their occupation by requiring a permit and signed service contract.² Rigid extra-economic measures such as land and taxation Acts coerced migrant labourers to work on farms. Tactics such as indebtedness were used in some areas to ensure that farm labourers stayed continuously in the farmers' employ.³ To these one could add such gambits as the government's declared policy not to engage in its own service African labourers who might be regarded as farm labourers; the permitted use on farms of 'foreign' labour not allowed in the towns; and the so-called apprenticeship of vagrant

1 See Bundy, 'Abolition...!', pp 37-46; Report of the Inter-departmental Committee on the Native Pass Laws 1920, UG 41-22, pp 2-7, and annexure B (Pass laws of the Union), pp 27-34; and 'Resolution against the Natives' Land Act 1913 and the report of the Natives' Land Commission, by the SANNC', 2 October 1916 in Karis & Carter, v 1, doc 26, p 86.

2 The inability of the state to control the efflux of farm labour to the towns through pass regulations and service contracts resulted in new regulations being introduced to forbid the employment of farm labourers unless their service contract specifically stated that they were permitted to work - see pp 204-205. Labour tenants were excluded until 1926, when the Master and Servants' (Transvaal and Natal) Amendment Act was passed - see pp 195-197.

3 UG 22-32, Lucas addendum. Magistrates' responses are analysed in A101-188, pp 187-201. See also House of Assembly Debates on convict labour, 18 May 1931.

children to farmers.⁴ These were the means the farmers already had at their disposal in 1924 to deal with the farm labour shortage. Yet the shortage had not been helped. On the contrary, the farmers' cry had grown louder and more insistent as progressive farming practices began to reap far higher profits.

Labour shortage - the farm labourers' view

So far discussion has revolved around the farm labour problem as seen by whites. Where farm labourers have featured at all, it has been as 'labour units' or 'categories'. This is a true reflection, however, of the approach adopted by the various bodies investigating the farm labour problem. Except for the African Grievances Committee of 1914, this approach persisted well into the 1920s when a change became discernable. Starting with the EWC of 1925, the NEC (1930-1932) and the Farm Labour Committee (1937-1939), evidence from the farm labourers themselves began to pile up. Coupled with this, African political organisations became more vociferous in their demands. Multiracial bodies prepared a mass of evidence for parliamentary committees and for publication. Thus a completely different view of the farm labour question began to emerge.

Our purpose here is to try to understand the farm labour shortage from the Africans' point of view, for the evidence of the time shows a direct link between that shortage and the restrictive legislation. The following exchange which took place before the NEC shows how important this approach is:

NEC Chairman Mr Anderson's point is that quite a number of advanced farmers objected very much to the labour tenancy system?

Professor Macmillan I am glad to hear it.

Chairman But they say it is kept up because it is an assurance that they will have labour; they must have labour at any cost. It is less economical than the payment of wages, you cannot get your labour at the moment you want it. That is the general view in the country?

Macmillan Very probably. Even the native likes to have a home, and the share system being barred, labour tenancy is the only thing that remains....

Chairman If the farmer is to be sure of his labour...?

Macmillan That is what is wrong with the country. It is always, 'How does it affect us?' I am suggesting we want to get out of this way of thinking and begin to consider how it affects the native....

4 See Ballinger, 'Problems of farm labour...'; Macmillan, Complex South Africa, chap 15; Van der Horst, chap 14; and Hunter, p 509 ff.

Chairman I think it is a fair conclusion from your statement that the farmer would still be sure of his labour?

Macmillan I am saying you are considering the farmer in isolation much too much; and the country does that. But you are likely to get a better result from natives who have some inducement to build up their own homes and live their own lives. 5

Macmillan, one of the few to have gone deeply into farm labour conditions, condemned the system of labour tenancy. He had no doubt that it was mainly the living and working conditions which drove Africans off the farms:

the condition of the farm native is, speaking broadly, a quite impossible one.... I tried to make very strongly the point that there is so little inducement for a farm native to do anything at all, that he cannot even save for his old age; he is prohibited by law from either buying or leasing or acquiring in any sort of way a spot he can call home. In that very large farming area where the Land Act applied, that is just the position. 6

Macmillan repeatedly emphasised the lack of security for the farm labourer, a result of restrictions in the Natives' Land Act.

Nothing [he argued] could be worse than this homelessness, the utter lack of inducement, the utter lack of security; and I think the problem for the Commission is to make the country face that fact. There are a million and a half natives, all said and done, whose prospects on the land are not what in a decent ordered community they should be. I know we disagree, but it seems to me that is the point. 7

The evidence of former farm labourers and tenants to the NEC confirmed his assertions. For instance, it was found that Africans hiring or leasing land outside land outside the proposed released areas were becoming increasingly unsettled and insecure. After the 1913 Act, they had been declared illegal residents. For these men arbitrary removal or eviction was a constant threat.

Countless witnesses described this unsettling effect on peasant farmers. Filipus Bopape explained from his own experience:

A native is not allowed to hire a white's farm by money, except by working for nothing 'Boroko'. We are really ignorant of the place where the Government wishes to be living for to the heaven we are unable to go in order to avoid the cruelty of these laws. The

5 NEC, oral evidence of W M Macmillan, 7 May 1931

6 Ibid

7 Ibid. Macmillan was not alone in condemning labour tenancy. See also oral evidence of Henry Britten, Chief Magistrate of Johannesburg; Professors S H Frankel and E H Brookes; J D Rheinallt-Jones; Dr W B Rubusana; R W Thornton, Director of Native Agriculture. Also C H Neveling & J C Neethling, 'Wages of natives on farms', *Farming in SA*, v 5, 54, September 1930, pp 255-256 quoted in UG 22-32, annexure 24-viii, p 315.

Government knows, then if he, a native, has no farm for himself to live, where will he live if he does not hire a white's farm with money for his life, because the Europeans have occupied the whole country, and natives are living through the help of white people and the whites also through natives. To hire a farm by money is far better than to work for nothing like a slave who is caught from the battle....

For living to buy the Permit or Licence in our farms which we bought through the Government allowance or permission, be damaged as if we have stolen these farms. These show plainly how that although the Government would compel us by force without our own free-will, he will within a few years of our living there come and remove us again toward the East.... If the Union Governor is going to decide by force and remove all Zoutpansberg chiefs with their tribes to the said country, then Union Government will be like a butcher who drives his herds to a butchery house to be all slaughtered at a time. Because the country is liable for people to live in, but for wild beasts and people who were born in it. The country is as hot as fire. That how it possesses diseases of different kinds and deaths.

8

Whites had described this released area (No 5) in similar terms.⁹ What options did a chief or a peasant farmer like Bopape have? Under the 1913 Act their leasing contracts were not renewable, and new contracts with sons were forbidden. Either they accepted removal to this 'waterless, sterile tract of country' or they agreed to work for nothing 'Boroko'. But not everyone had these options, and many more refused them. These were the men, it appears, who joined the stream of Africans migrating permanently to the towns. In so doing they aggravated the farm labour shortage, the farmers claimed.

The opening up of new areas had also caused widespread unsettlement. Macmillan explained:

In Natal, natural development and the very prosperity arising from the cultivation of sugar or even wattles, have left little room for the old-time squatters, and under cover of the law the same process of eviction has been constant.

10

Ironically, these new developments had not only intensified the demand for labour, but had in themselves been responsible for creating the labour shortage.

8 Minutes of evidence, Eastern Transvaal Natives Land Committee, letter from Filipus Bopape to the sub-NC at Pietersburg, 23 November 1917 quoted by Karis & Carter, v 1, doc 27c, p 92 (sic)

9 See p 74 above. A Natal farmer described the same area thus: 'When transport goes through Louis Trichardt and Bandolier Kop the nearest point is through that admirable road direct to Messina, but drivers prefer to go twice the distance round in order to get something for their cattle to eat and drink' (SC 6a-17, para 201).

10 Macmillan, Complex South Africa, p 242; and see discussions on crown land above, p 70, and appendices B.2(a) and B.4 below.

As new lands were brought under cultivation and occupied, African squatters who had lived there undisturbed suddenly found they had either to render at least three months' service or to leave.

Rather than work for the new owners, tenant farmers were leaving these areas in droves. The rest could stay on as labour tenants or full-time servants, depending on their former status. If they refused they could be summarily evicted by the new landlord. This was becoming common, as the reports of the NCs and magistrates in new areas show.¹¹

A second group also left voluntarily. Faced with new restrictions and fewer privileges in kind – always a strong attraction before – many left in search of work offering better conditions. Failing this, they too joined the rural exodus to the towns.

The depressed world market which sent the prices for agricultural products down to abysmally low levels, and the great drought of 1932-1933 which killed thousands of livestock, had also forced farmers into bankruptcy. Some farmers were forced to let their servants go, while others sold up and moved to the towns. In such cases the tenants left behind found themselves under new masters who could demand service under more restrictive terms, should the tenant wish to stay on the new owner's land.

But it was not only former squatters who were leaving. Far more serious for the farmers was the breakdown of labour tenancy. Herbst in his 1926 report showed labour tenancy was the whites' first choice of farm labour, and the most widespread; and argues that the farmer would fight to keep the system:

A number of reports indicate that the system is in many areas regarded as indispensable on the ground that a standing quota of labour cannot be effectively employed throughout the year. The advantage to the farmer of having in residence on his farm a supply of this class of labour for use as occasion requires at a minimum cost either in cash or in kind, seems apparent; and the system itself would on the face of it appear beneficial to both parties, provided it be fairly carried out, as indeed is generally reported to be the case.

12

Colson, in his evidence to the NEC, outlines advantages to farmers of this labour-tenancy system. Land shortage also benefited them, he said, at great

11 Minutes of Native Conference, 9 December 1930, NAC report 1927-1931, UG 26-32, p 21

12 UG 14-27, p 8

cost to the labourer:

Owing to the scramble for squatting sites the farmer can pick and choose. An old man, past work, with a large family, is a more valuable acquisition than a young man with one wife and infant children....

There is no rule as to the control of labour between the service period - a farmer working a large area can keep his labour constantly employed. A small man cannot possibly do so. A mealie farmer ploughing an extensive area treats his labour of necessity in a different way to a sheep or cattle raiser. Wheat, citrus and tobacco farming each has its own needs....

13

These various rhythms in the year could mean fallow times for labour, and that was when farmers lost their workers. So said many whites, refusing to accept that it was bad conditions that drove them away. But a unique study of new arrivals in Alexandra township proves the fact. Men who had settled in the township were asked why they had left the farms. The Church of the Province made the survey and gave the information to the NEC. To take one response at random:

I lived on the farm Sterkspoint for eleven years; I was well treated by my master; he gave me enough land to plough and gave me as many head of cattle as I could [run]. He allowed me to breed horses and sheep. In 1928, I noticed a great change in the treatment of my master. My boss complained of the number of cattle I had - and said there was not sufficient grazing. Consequently he asked me to reduce my livestock. I was unwilling to do this but he pressed on me, saying his cattle were not getting enough grass because of mine. So I tried to sell my livestock, but could not get a good price. Finally, I decided to buy a plot of ground at Alexandra Township, so I left the farm and settled out here. I had 35 head of cattle and 4 horses when I got to Alexandra, one ox-wagon and one horse-trap and some poultry.

At Alexandra I was met with the difficulty in regard to grazing land. I asked the boss of the adjoining farm to allow me to graze my cattle on his farm; this he did, but charged me 2/- per head of cattle a month. As this was impossible, I sold some of my cattle to a butcher and the rest died through lack of feeding. Two of my horses died; now I have got two horses, one wagon which I cannot use, and a trap. I have got to buy food for the horses and they are a trouble to me.

14

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- 13 NEC 1930-1932, written evidence of R Colson who at the time was Additional Magistrate of Johannesburg. He had, however, served as magistrate and NC in Piet Retief (1919-1922), Marico (1922-1926) and Harrismith (1926-1930).
- 14 NEC 1930-1932, oral evidence of Archdeacon Hill, Fr S Carter and Miss S R Maud, representing the Church of the Province, 11 May 1931

Many witnesses had such stories to tell. Others mentioned recent changes in their conditions of service where, as one said,

the master had allowed him 9 months in the year to go anywhere for work, but now things have changed considerably. The people are forced by some farmers to work the whole year round; wives and children are to work without pay. Very little land is given for ploughing.

15

That was why an immense number of people gave up farm jobs. Such accounts were confirmed by as many magistrates. Henry Britten, Chief Magistrate of Johannesburg, commented thus:

I am aware that in rural areas the removal of natives from farms each winter is a constant occurrence. The existence of many demolished or partly [sic] demolished native houses shows this, in addition to the evidence which the average Magistrate's office can provide as the result of complaints from either the farmer or the native. In many cases the natives leave on notice from the farmer, in almost as many the natives leave owing to absence of wages, misunderstanding of conditions or inability to get on with the farmer; absence of sufficient grazing for their stock is quite frequently the reason why natives move to another farm. The increase of their stock is one of the most prolific sources of friction between farmer and his native tenants where grazing is scarce and diminishing. . . . Much misunderstanding results owing to disagreement as to dates and amounts. . . .

16

The consistent complaint by magistrates was that no registered agreement was drawn up and this led to a great deal of misunderstanding and friction. From the Africans' side many asserted that even if they were forced by law to sign an agreement, they placed little trust in the law. These admissions measured against the statement made by K H Hathorn, a retired judge of the supreme court, lend weight to these accusations. Judge Hathorn's racial prejudice was evidenced in statements such as 'it [the segregation policy] would involve very large expenditure in the expropriation of lands and the erection of fences, kaffir proof if possible and certainly goat proof' - yet even he could still state:

Slavery seems to be in the nature of many of the European population of South Africa, and unfortunately the Government has countenanced and encouraged this . . . and is continuing to do so in the proposed Act now before Parliament . . . 'The Native Service Contract Bill'. The Native Locations are said to be crowded and without room for receiving as residents more natives, and the Laws I have referred to make it impossible for natives to hire land from Europeans or to have a place to live on without binding their bodies to serve the land

15 *ibid*

16 NEC 1930-1932, typescript and oral evidence of Henry Britten, 4 May 1931

owner and making him have, or entitled to have all sorts of controls over them and their people, which drives one at once to think of the ownership of the slave days. This horrible control in the hands of the brutal landowner is a terrible thing and it is difficult to see how the tied native can even get out of his hands. He is sure to get into debt to the landlord, and if he should get into a position to free himself it is almost impossible to find a place where he and his family can make a home, or live, and if he finds one he must again be tied to the landowner. The landowner being an unfair and yet not brutal man is able to do the most dreadful things to make the lot of the native unbearable without any sort of resort to the Sjambok and the Shot Gun. These two things are in not uncommon use in the hands of a brute and he is seldom, if ever, punished. Perhaps this will be cured when Juries are done away with. . . .

17

Farmer stereotypes were becoming the norm amongst Africans. The actions of a few individuals were ascribed to farmers in general. Africans showed their opposition by deserting, resisting farm employment and evading the law where possible. The Industrial and Commercial Workers' Union (ICU) took up the cause of the oppressed farm labourer and busily discouraged Africans from voluntarily accepting farm labour service. The popularity of the ICU, wrote Wickens, 'can be explained by the deterioration of the position of Africans working on white-owned land.' Spreading 'from Durban into rural Natal and thence among the farm labourers of the Transvaal, the Orange Free State, and even the Cape [it] became the embodiment of rural protest.'¹⁸ The bitter accusations bandied about the townships and reserves against the farmers naturally made farm jobs less appealing than ever, and so aggravated the labour shortage. The anger was articulate and informed, as here:

17 NEC 1930-1932, typescript evidence of K H Hathorn. Judge Hathorn lived in Pietermaritzburg from 1852, was a solicitor until 1872 and then an advocate until 1910 when he was appointed judge of the Supreme Court of South Africa until his retirement in 1926. On the question of corporal punishment, note too that the 1932 Native Service Contract Bill was introduced by the Minister of Justice and not by the Minister of Native Affairs - clause 11 deals with the institution of corporal punishment to be administered by the courts. Further, in reply to a question on why whipping should have been introduced in the 1932 Bill, Senator P W le Roux van Niekerk, member of NAC, told the Native Conference convened to discuss this measure: 'the Minister of Justice had been actuated by a desire to restrain farmers from taking the law into their own hands'. See UG 26-32, p 21.

18 P L Wickens, 'The Industrial and Commercial Workers' Union of Africa', unpub paper, Conference on Southern African Labour History, African Studies Institute, University of the Witwatersrand, April 1976, p 9. See also Roux, p 173; and NEC 1930-1932, typescript evidence of G Champion and W G Ballinger.

The starving wages paid in the Farms and the unhuman conditions imposed by the Land Act of 1913, whereby the 'Baas' in the farms is given excissive powers with the result that the contract gives all the advantages to the Baas, and all the disadvantages to the native Labourer. There being no safe guards for the abuse of these excessive powers of the 'Baas'. When the ill-treated natives find that they are absolutely in the power of the 'Baas' and have no Umpire to appeal to, who can guarantee them human treatment. They are liable to sudden evictions at the caprice of the white Farmers and according to the Land Act of 1913. They must not only contract themselves but their wives and children as well as their Stock, a mode of Contract that enslaves the natives their families and stock. The rule of the 'Baas' is arbitrary and merciless that he some times imprisons them for imaginary offences even for petty misunderstandings, the educational facilities provided for them are nil.

To say that natives come into Towns, in order to obtain money for the purchase of cattle for lobola is, to say the least, untrue. In fact the disabilities under which the natives are suffering are so many and varied that it is indeed very strange to find the Government enquiring into them as though it were not aware of them. There is every reason to believe that, the report of the Commission has its facts pre-assured like all other Reports of previous Commissions.

19

What farm labourers are worth - the farmers' view

An indictment of this kind was either refuted as 'the words of a trouble-maker' or countered with stock arguments for agriculture. So they expatiated on the value of the 'privileges' in kind which traditionally were part of the labourers' earnings. Why couldn't the Africans see this? farmers vociferated. The farmers, it was generally agreed, were on the whole good employers and not themselves responsible for the difficulties in which Africans found themselves. As for the African farm labourer, he was lazy, inefficient, wasteful and therefore necessarily cheap with his low productivity.

The editor of the Natal Witness²⁰ dared to refute such arguments. His leader suggested that labour would be more productive if only farmers would accept the need to pay a reasonable cash wage. A torrent of letters flooded the Natal newspapers for weeks on end. Honi Soit Qui Mal y Pense was one of the milder responses in the Natal Farmer. After challenging the editor's competence to write on what labourers were worth, the writer continued:

19 NEC 1930-1932, typescript evidence of the African Residential Association, Benoni. It should be noted further that despite the protestations of the commissioners, many African witnesses were former farm employees or engaged in farm labour on a casual basis. See comment below, p 186 and n 5.33.

20 Natal Witness, 7 February 1927

There is no need for me to state the 'unearned increment' the tenant and his family receive, as this has already been given far more vividly and capably – but also truthfully – by your correspondents 'Sickonomics', 'A Loafer', 'Ex. Field Cornet', and 'A Farmer'.

There is one point they have all missed, and that is, that no matter how much you pay them they do no better work for it. In fact a farmer who pays more than the usual rate is looked upon as soft, and unless he stands over them all day he gets less work than usual.

21

He ended with a familiar parting shot:

Finally, I may say that were they paid treble the amount that is ridiculed by the 'Natal Witness' it would be of no economic advantage to the girl – the worker. It would simply be more for her lazy, beer-loving, 'baba' to collar and convert into cows to make further inroads on our God-given-for-nothing pasturage.

22

Sickonomics after several bouts challenged the editor of the Natal Witness to answer the 'following facts':

(1) Is it not a fact that one shilling per day, plus meal, plus free rent, plus free grazing, plus free cultivation, and lots of other little plus's are a fair wage for the amount of labour done by an ordinary farm native?

(2) Is it not a fact that most of our crops are grown at an infinitesimal profit and frequently at a loss?

(3) Is it not a fact that consequently we find it difficult to pay our wage bill even at a shilling per day?

(4) Is it not a fact that when the native has cash it means that native will not work?

23

The general inefficiency of African farm labour was rarely disputed, but why it went on being so certainly was. Here the coercion into labour tenancy was only one of many explanations. Colson, who had spent many years as a magistrate in the farming areas before becoming Assistant Magistrate of Johannesburg, gave this view on African inefficiency:

The present system of granting a 'seeking work' pass by the employer entitling the native to be absent for 2 or 3 months is degrading to the native and uneconomical to the state.

It is uneconomical, because the period has to include the time spent in seeking employment. Before employment can be found an undue proportion of the Pass-period has been wasted; employers will not take on a native, except for the roughest forms of manual labour, for so short a period as two months;

21 Natal Farmer (Hammersdale), 14 February 1927

22 *Ibid*

23 Natal Farmer (Umvoti), 11 February 1927

the time spent in seeking work and returning to the farm has to be deducted from the pass-period.

It is degrading to the native because hunting for a job for weeks without means teaches him mendicancy; he has no real chance of mastering a job and is thought to be shiftless and unreliable; because he gets his leave of absence when it suits his master i.e. when farm work is least urgent, he cannot get employment in the same farming area and must go far afield; because he gets his pass at uncertain dates he cannot exercise foresight and arrange for other employment, hence he is forced to go far from home, to herd among the most undesirable elements of location populations, falls foul of Pass Laws, Location Bye-Laws and other enactments to spend part of his Pass Period in Gaol....

24

This approach is the sort used to justify the farmers' efforts to 'tie their labour down' and prevent an exodus of workers. It also bears on the government's cheap labour policy which Frankel alleged depended on keeping Africans unskilled and inefficient.²⁵ It would then be much easier to 'keep Africans in their place' as the common South African saying went. Or to put it another way, they would be held back by artificial checks on their lives.

On African inefficiency Pierre van den Berghe later said:

Racial stereotypes may also have an indirect economic effect, though there is little solid evidence for it. For example, the White view of the non-White worker as 'unreliable' and 'irresponsible' can easily become a self-fulfilling prophecy. A worker who has been reprimanded for showing initiative, and who is treated as a simpleton, is likely either to lose all interest in his job and perform his tasks unthinkingly and apathetically, or to exhibit his spite by deliberate irresponsibility, coupled with punctilious obedience to the letter of stupid orders. This method can be an effective means of passive resistance and could have an appreciable effect on production. Fulfilment of role-expectation provides the non-White worker with a relatively safe and satisfying way of expressing hostility towards Europeans.

26

Both Colson and Van den Berghe's assertions ring true as one considers remarks by witnesses to the NEC - both Afrikaans and English - that reflect the typical racial stereotyping which was even sanctioned, encouraged and enshrined in the law:

24 NEC 1930-1932, typescript evidence of R Colson

25 NEC 1930-1932, combined oral evidence of E Brookes and S H Frankel

26 P L van den Berghe, South Africa: A study in conflict, p 199

Ek wil dit sê - die gewoon kaffer wat mens ontmoet het net die mentaliteit van 'n wit seun van 16 or 17 jaar oud en nie meer nie.

Praat U nou van die beskaafde kaffer?

Nee, ek praat nou van die semi-beskaafde kaffer. Wat nou die kaffers op die delwerye by Lichtenburg, waar ek baie [sic] met hul te maak gehad het, waar ek duisende kaffers by my en rondom my gesien het en met hul in aanraking gekom het; daar sien mens dat die gewone naturel het die mentaliteit van 'n wit seun van 16 of 17. Die word baie [sic] duidelik daar -

Hoe sien U dit?

Daar is geen inisiatief onder hul nie; mens moet hul daar alles leer, hoe dit te doen en hoe dat te doen, en mens moet hul almal help....

Hul gedra nog as seuns; 'n seun van daardie leeftyd het nog die insig nie van 'n opgegroeide persoon; en dit is die mentaliteit waarop ek die gewone kaffer skat; hy het nie die minste inisiatief nie; hul is altyd baie [sic] opgeruim en vol van onsin; dit is een van die groot moeilikhede wat mens van daardie mense ondervind - mens kan nie van hul op aan nie. [sic]

27

A more sober and pragmatic analysis of this system came from a completely different quarter. Dr C H Neveling, a respected senior member of the Department of Agriculture, argued that transcending all the farmers' difficulties and the source of all their problems was the obsolete labour tenancy system. He articulated his condemnation of the system in a lengthy and convincing document also submitted to the NEC. As he saw it, labour tenancy based on a 'cheap labour policy' was the real source of the farm labour problem:

Deur ondoeltreffende produksie, die gevolg van ondoeltreffende arbeid, ly die blanke produksie van die land jaarlike kolossale verliese. Die Suid-Afrikaanse boer het nog in die meeste gevalle sy boerdery georganiseer op die leuse 'Swart arbeid is goedkoop arbeid', omdat hy oor veel arbeiders beskik het, is die arbeids-distribusie en die voltydse gebruik van die arbeiders nooit as 'n ekonomiese probleem gevoel nie, m.a.w. daar was altoos in ons Landbou 'n verspilling van produktiewe arbeidskragte.

28

The traditional extensive farming in South Africa, cheap labour, and the farm labour shortage were all interrelated. The crux of the problem, Neveling suggests, was the reluctance of the conservative farmer, still in the majority at this time, to stop having labour tenants and/or cash tenants on their farms - or at least

27 NEC 1930-1932, oral evidence of Johannes Lodevicus Pretorius Erasmus, 11 March 1931

28 NEC 1930-1932, typescript evidence of Dr C H Neveling, Department of Agriculture, Economic and Marketing Section. See also C H Neveling, 'Farm labour in South Africa', Journal of the Economic Society of SA, old series, vol 5, 2.

reduce them. These farmers with large unoccupied areas were able to allocate land to their tenants for cultivating and grazing. The tenants in return bound themselves for varying periods of service.

These practices were, however, rejected by a growing number of progressive and small-scale farmers. On farms close to markets and cities where the price of land was high, subsistence agriculture practised by labour tenants on land set aside for their use was uneconomical, as was the system of maintaining a large contingent of underemployed labourers. This was becoming clearer in enterprises such as the wattle industry for, apart from planting, work is of a seasonal kind and labourers were only needed in large numbers during a six-month peak for bark stripping.²⁹ During the remaining six months labour requirements fell to a very low ebb. To meet their seasonal requirements wattle farmers had either to rely on casual labour from squatter locations or the reserves, or they had to keep kraals of labour tenants who were really busy only six months of the year. The number of reserve Africans prepared to work on farms had gradually declined as impoverishment in the reserves became more widespread. In the 1920s fewer and fewer Africans could get by with just a six-month stint on a farm. Thus, unable to offer the 'privileges' linked with tenancy, unwilling or unable to offer a competitive cash wage, many farmers in positions similar to that of the wattle farmers found themselves outbid by industry one way and the conservative farmer the other.

These progressive farmers were the ones most insistent on the 1913 Land Act being applied: squatters should go, and the number of labour tenants per farm reduced at once. This was the only way, they said, to share labour fairly. It was this small group alone who gave their wholehearted support to the 1913 Act insofar as it made provision to resettle evicted squatters in the reserves, whence they could be redirected to the farmers.

Vested white interests, the slow pace of change, and the fact that most farmers were still conservative meant that this solution was no easier in the 1920s than it had been in 1913 or in the pre-Union period when the original squatters' laws were first promulgated. As Frankel remarked in 1931:

Unfortunately it is equally true that the same generation has not yet learned where and why the old way of life in South Africa falls short of what the present demands, and how impossible it is to build a modern state according to economic principles, habits, and systems

29 R H Smith, Labour resources of Natal, p 40

of labour, suitable to the conditions of the eighteenth rather than the twentieth century. 30

These comments were irrefutable. Unless something were done about the mass harbouring of underemployed labour tenants the more progressive farmer could not hope to compete. In fact, the available labour was so badly distributed that the whole farming industry was being retarded, for as Macmillan said:

This whole class of labourer is so immobile that the proportion of Transvaal natives employed in Transvaal mines and works is negligible.... Natal, with its huge native population, draws largely on Pondoland for work on the sugar estates. Even High Veld maize farmers about Bethal draw supplies of labour from the Cape Reserves, from anywhere except from the neighbouring Low Veld. This unequal distribution is to the country as a whole one of the many evils resulting from the resolute refusal to treat the landless farm natives as anything but a convenience for farmers. 31

These assertions are borne out by the facts. R H Smith found that, of the 62 000 Africans listed as 'resident in industrial compounds' in the 1936 census, the majority were engaged in the sugar industry, in field or mill work. This large labour force was hard to maintain because

over the sugar areas as a whole at least 40% of the workers were imported, the Zululand demand being met partly from Portuguese East Africa and the Natal demand from Pondoland.

Because of this 'the number of Natal Natives engaged in cultivating sugar', Smith says, 'is less than one-third of the total working-age male population on the farms.' This despite the fact that sugar was the most important crop of the province.³² The 400 000 or so Africans resident on white farms in Natal had become so immobilised that the coal mines, the sugar belt and the towns had to either rely on Africans from the reserves or import labourers from outside the province. Macmillan has shown this problem was not confined to Natal.

Official view on the farm labour question

Few politicians, let alone officials, were prepared to risk their party or personal interests by open opposition. So the politically powerful white rural group had a sway that could be detected in the opening remarks on the farm labour question as tabled by the NEC:

30 NEC 1930-1932, written evidence of S H Frankel

31 Macmillan, Complex South Africa, p 249

32 Smith, pp 42-43

There was much complaint on the part of Native witnesses heard by the Commission throughout the Union of the terms under which labour tenants work and are remunerated on farms. Very few of these witnesses however were themselves labour tenants. The evidence of the individual farmers and representatives of Farmers' Associations heard by your Commission, on the other hand, was practically unanimous to the effect that farm labour was on the whole reasonably well paid, fed, and treated. At the same time farmers complain that the general run of Native labour available to them is unreliable, inefficient, and often insufficient in quantity.

33

It was hard for a government commission to recommend reforms against government policy, as we see here. When Frankel challenged the commission on the question of opposing traditional farming practices, Roberts took exception and said:

[Dr Roberts interpolating] Have you any thought that the Commission will not?

Frankel No, there is no insinuation. It may be thought that there is a danger in that certain people who have come to certain conclusions, wish to see those conclusions realised; certain people may feel that the time is not yet ripe for the statement of those conclusions. I gather there is a danger there. Therefore I first of all maintain that as far as we are concerned we are giving evidence to a Commission which is going to face the facts themselves as to the problem, the practical problem of how to get those facts instilled into the European population so that they will be accepted. There is no personal insinuation against the Commission, but there is a big difference there between the two points.

34

There seems to be a real case for the insinuation, considering what Lucas went on to say:

[Lucas] I put to you in brief what seemed to me to be the main obstacles in the way of getting an improvement in the present condition, and those obstacles have got to be faced, and the Commission will have to face them particularly. I wanted you in effect to give, as far as I was concerned, a basis on which a Report could be framed to deal with those points. I know you have dealt with most of them in detail, and on some of the details I wanted to ask you some questions. That will come later. But we have those two big factors: a widespread belief that the improvement of the natives will mean loss to the whites; and the other one, that you have industry based to-day on low paid native labour, and everything that is suggested is examined from the point of view of the effect it will have on the adequate or inadequate supply of such low paid labour?...

33 UG 22-32, para 352. Lucas was the only NEC member to dissociate himself entirely from these remarks. The other six endorsed the majority report with some reservations - it should be noted that three of the members were themselves farmers. See also n 2.3 on p 56.

34 NEC 1930-1932, oral evidence of S H Frankel, 13 May 1931

[Lucas continues] ... I think you can take it as still very widely held by the farming population that no changes can be made in the wage level of natives. That view is very widely held, and, as you know, that is a very big practical factor. When you come to the towns you get what the Wage Board has found, the argument being put up, 'You must not fix such a wage for natives (which is usually above the customary wage level) because it will stop the natives we now get staying with us for six or nine months, because they will get enough in three or four months, and they will then go home.' Both are very practical difficulties, the farming one being much the more difficult?

Frankel Well, it is a difficulty which a Commission such as this faces, that it gets a common denominator of popular views and tries to counter them. But where you have an ignorant electorate - the farming population, with ignorant views existing as to the effects of rising standards in lower classes - that is an actual fact of reality which you must face.

35

The farmers' demand

The NEC evidence shows that farm labour was cheap, misapplied, and of low productivity. It also suggests that the exodus of Africans from the rural areas had accelerated during the depression.³⁶ What was notable about the testimony of farmers and most parliamentarians was its insistence - despite a lot of contrary evidence - that the farm labour shortage came from anything but restrictive laws or the new, unacceptable conditions imposed on farm workers. Farmers went on insisting that to make a profit they needed 'cheap' labour on their farms. Hence whatever laws were introduced to solve the farm labour crisis, conditions and wages should not have to compete with other sectors, farmers should not rival each other, and Africans in the white rural areas should be tied down exclusively for the farmers. This latter point grew in emphasis through the 1920s and 1930s as the exodus of farm workers to the town accelerated. The farmers complained they could not hold on to enough labour against the pull of industry which, they said, attracted more than its share by wages that the farmer could not match.

The farmers at this time began to focus strongly on tighter laws to bind the Africans securely to the farms. Pass laws should be more strictly enforced. The state should force the local municipal authorities to check the registration of service contracts in all areas and not only those proclaimed under the 1923 Urban

35 Ibid. Lucas was Chairman of the Wage Board at the time.

36 See tables showing urban African population 1904-1936, tables 8.3 - 8.6. See also H A Shannon, 'Urbanisation 1904-1936', *SA Journal of Economics*, v 5, 1937, pp 164-190.

Areas Act. Farm workers should be made to return if they had already moved to the town. Since municipalities had been unable to enforce the restrictions of the Act, further measures had become necessary. The system of recruiting by the mines should be extended and controlled beyond the existing 'closed' districts, for the presence of the recruiting agents, it was claimed, tended to create a freer economic market for labour, and the price of labour was forced up in response to this competition. Lastly, squatters should be penalised, and 'kaffir farmers', whites 'farming kaffirs', and those harbouring more labour tenants than they actually needed should be heavily prosecuted.

Labour got scarcer with the unprecedented growth of farming between 1923 and 1929. Agricultural census reports showed that opening up new areas and subdividing farms went along with more intensive and progressive farming methods. These developments increased the need for more reliable and efficient workers. For example, the call to evict squatters exactly matched the extension of the railway as it moved along, opening up a new sense of production economy through the area. Similarly, new dams and irrigation schemes which helped towards production also revised people's views on labour.

But the massive subsidising of farmers under the Pact government had been the most important thing in transforming agriculture. Madavo outlines what the state did:

Besides assuring Europeans abundant land, the Union government set up a department of agriculture in 1913 which placed heavy emphasis on veterinary, entomology, plant pathology, and soil research. The government further poured money via infrastructures and provided credit via the Union Land Bank, an institution which made loans to farmers, on mortgage of land, for improvement, purchases of land, stock and plant. The bank loaned R37 854 476 (£19 million) between 1912-1929, while the department of agriculture as a whole spent over R224 000 000 (£112 000 000) between 1910 and 1936.

37

Official findings seem to bear this out. According to the agricultural censuses³⁸ the number of farms owned by white occupiers between 1918 and 1925

37 Madavo, p 36. See also Frankel, p 136, and L C A Knowles, The economic development of British overseas empire, v 3, p 177.

38 Details for the following tables are drawn from five reports: the Report of the Drought Investigation Commission 1923 (Final), UG 49-23; Report of the Land and Agricultural Bank of South Africa 1926 (Annual), UG 12; Report of the Agricultural and Pastoral Production, Agricultural Census 8, 1924-1925, UG 13-27; Agricultural Journal of the Union of South Africa, v 4, 1, 1913; Report 4, The future of farming in South Africa 1944, UG 10-45.

grew considerably in all provinces. This is shown in the following table:

Table 5.1 GROWTH IN THE FARMING SECTOR 1918 - 1925
FARMS OWNED BY WHITES

Province	1918	1925	+ or -
Cape	17 596	23 887	+ 6 291
Natal	4 356	6 075	+ 1 719
Transvaal	12 181	17 307	+ 5 126
OFS	10 107	12 995	+ 2 888
Total	44 240	60 264	+ 16 024

This increase was attributable to the splitting up of existing farms and the opening up of new areas - thus confirming African allegations that their hiring and leasing contracts had not been renewed either by landowners who had decided to bring their land under production, or by new owners who had bought in areas that had been squatter locations. The extent to which the hiring and leasing of land to Africans was being gradually eliminated - except significantly in the OFS where this practice had allegedly been outlawed - is shown here:

Table 5.2 FARMS OWNED BY ABSENTEE LANDLORDS

Province	Leased			Share system			Managed		
	1918	1925	+/-	1918	1925	+/-	1918	1925	+/-
Cape	8 120	7 539	- 581	2 560	1 642	- 918	2 843	2 322	- 521
Natal	1 603	2 770	+1167	375	360	- 15	777	702	- 75
Transvaal	5 797	5 222	- 575	2 655	2 441	- 214	1 481	1 417	- 64
OFS	3 048	2 822	- 226	1 282	2 006	+724	1 368	1 151	- 217
Total	18 568	18 353	- 215	6 872	6 449	- 423	6 469	5 592	- 877

From these statistics the rapid increase between 1918 and 1925 in the percentage of white owner-occupied farms relative to other types of tenure can be illustrated:

Table 5.3 NATURE OF TENURE OF WHITE - OCCUPIED FARMS

	1918		1925		1930		1937	
	No of farms	%	No of farms	%	No of farms	%	No of farms	%
Owned by occupier	44 240	58.10	60 264	66.48	65 306	67.37	69 512	66.49
Leased by occupier	18 568	24.38	18 353	20.24	19 465	20.08	20 895	19.98
Occupied on shares system	6 872	9.02	6 444	7.11	5 884	6.07	7 305	6.99
Managed for other persons	6 469	8.50	5 592	6.17	6.285	6.48	6 842	6.54

Thus by 1925 two-thirds of the farmers were independent owner-occupiers. This had an important bearing on the financing of the industry, for if the owner-farmer needed money he could get it by mortgaging his farm. Heavy borrowing, mortgaging and indebtedness followed, as the Land Bank reports of the time show. The pressure on farmers to succeed was therefore also greater. It is not surprising, then, that the demand for state assistance and protection also intensified during this period.

Interestingly, the average size of farm was also declining. This was the position in 1936:

Table 5.4 NUMBERS AND SIZES OF FARMS IN WHITE AREAS 1936

Size of farm in Morgen	5,000	10,000	15,000	20,000	25,000	30,000	35,000	No. of farms.
less than 5								4,188
5-20								9,571
21-100								10,102
101-500								33,601
501-1000								20,248
1001-2000								13,105
2001-3000								4,608
3001-5000								3,567
5001-10,000								2,142
Over 10,000								812
Undivided								2,307
Total								104,249

(1 morgen =
0.857 hectare)

But although there were more of the smaller farms in 1936, the percentage of whites in the rural sector showed a steady decline:

Table 5.5 WHITE POPULATION 1918 - 1936

Year	Rural		Urban	
	1000s	% total	1000s	% total
1918	655	46	766	54
1921	672	44	848	56
1926	701	42	975	58
1931	708	39	1 120	61
1936	696	35	1 307	65

At the same time the African occupiers (excluding casual labour) increased in the rural areas:

Table 5.6 LABOUR ON WHITE-OCCUPIED FARMS - REGULAR WORKERS, INCLUDING OCCUPIERS

Year	Males			
	African	White	Coloured	Indian
1925	340 343	138 186	62 030	14 052
1930	361 269	149 363	59 154	12 544
1937	463 889	160 183	68 490	14 383
Year	Females			
	African	White	Coloured	Indian
1925	93 842	22 499	14 762	2 451
1930	114 640	35 448	14 459	2 320
1937	194 523	44 078	18 747	4 117

In other words, the number of farm labourers resident on white farms showed an absolute and relative increase. But as well as farm employees, the squatters in the white rural sector also increased so that by the 1936 census, Africans numbered 2 275 000 - or 663 000 more than the 1916 estimate of 1 612 000. This 41 per cent influx can be accounted for only in part by the bigger demand for farm labour as suggested in the farm employment figures above. The overflow from the reserves is also included in this figure, because landless Africans mostly crowded onto the farms of absentee landlords or the crown lands that had not been sold to whites.

Contrary to the segregation plan, therefore, more and more Africans were being forced to find land in the 'non-native' areas, but this does not mean that they were opting for farm employment. Judging by the farmers' demands for more restrictive measures to tie Africans down to the farms, clearly many had become squatters

on crown land and land owned but not occupied by whites. It was this situation that the farmers found intolerable.

Development of the white farms automatically meant a greater demand for labour. In turn the farmers insisted that workers be shared more evenly. This could be done, they said, by new ways of controlling the labour supply.

Trying once more to tackle the labour shortage in the primary sectors, the Minister of Mines and Industries appointed the Inter-departmental Committee on the Labour Resources of the Union in 1929. One of its tasks was to enquire into 'the supply of male and female adult labour of whites, coloureds (excluding Asiatics) and Natives suitable and available in the different areas of the Union ... for agriculture and other forms of employment'.³⁹ Here was an emphasis not only on what the different sectors needed but where they might find their workers.

The committee reported glowingly on farming progress in the five years before. Basing their estimates for the future on this unprecedented advance, they concluded:

In agriculture a steady increase in the demand for labour must be expected. As the population increases, land must be worked more and more intensively to supply enough food and raw materials. All this means more labour. Intensification means that land becomes more expensive in relation to other factors of production. It therefore becomes more economical to use the land to better purpose by employing more labour.... 40

But they warned that 'a distinct shortage exists in mining areas, and on farms in the Eastern Transvaal Highveld, Western Transvaal, other Transvaal districts, Orange Free State and Natal Sugar Cane Areas'. The farming industry was at risk, they said, unless steps were taken at once to boost the labour supply. To meet the country's farm labour needs 'an increase in the Native labour force of 2 or 3 per cent per annum would have to be budgeted for'.⁴¹ Labour was scarce, they felt, because occupied farms had increased at an average of 2.34 per cent a year and this rate was expected to continue. To cater for this growth and for farms already there 'the native now

39 Report of the Inter-departmental Committee on Labour Resources of the Union, An 89-1931, para 43. The Departments of Mines, Agriculture and Marketing, and Commerce and Industry were all represented on this committee.

40 *Ibid*, para 97

41 *Ibid*, para 47. According to this committee there were 375 000 farm labourers in 1929. This figure excluded squatters and casual labourers, but included included labour tenants. H M Robertson estimated that 528 400 African adult males were engaged in farm work in 1931; while the SAIRR, quoting the first occupational census of 1937, gives 403 500 males and 184 276 females for 1936. Prior to the 1936 census: see RR 10/44 (mimeo).

resident on the land will become the normal labour force',⁴² but also it must be expected that any new developments will bring an increased demand for labour'. The government would therefore have to stabilise the farm labour supply that was already there by somehow getting the regulations to work. Another source would have to be found for future needs as well. In a later section the needs of the other sectors are discussed and the committee's deep forebodings on labour will be more fully appreciated.

Writing about the same time on the alleged shortage of farm labour, Margaret Ballinger refuted these findings outright:

Thanks to all the restrictions on the fluidity of labour, agriculture has maintained its hold on a large proportion of the available labour supply, a much larger proportion indeed than its contribution to the national income appears to justify, a larger proportion indeed than is healthy for the agricultural industry itself or for the country at large.

43

Proving her charge, she continued:

Without counting casual labour which constitutes a considerable factor in agriculture, the proportion of Non-European to Europeans on farms owned by Europeans is four to one. If casual labour is included, as it should be, the proportion is considerably higher.... Put in another way, and using figures for 1936, 1 651 200 persons engaged in agriculture outside Natives' reserves, of whom 309 500 were Non-Europeans produced 20% of the national income, and 444 200 persons engaged in mining, of whom 397 800 were Non-Europeans, produced 19% of the national income.

44

42 Africans 'resident' on the land would include full-time servants and their families, in addition to the labour tenants who rendered three to six months' service. It must be assumed that the committee here included squatters who were seen as potential labourers. See table 2.7, p 97 for statistics on rural population distribution. For discussion on reasons for increased labour needs, see An 89-1931, paras 97 and 132-138.

43 Ballinger, 'Problems...', p 3

44 Ibid. Owing to changes in the methods of classification adopted in the various census enumerations it is difficult to get statistical evidence of trends in the employment of farm labour. The 1936 census classifies farm labourers as 'occupied in farming' (resident workers on white farms) and 'non-resident workers' (regular workers recruited from other, usually 'native', areas). A comparison of the number of farm employees with the number of farm residents indicates that in each of the provinces practically the whole of the African male population of working age resident on white farms was actively engaged in agriculture - this excluded totals for females, non-resident labour (about 30-35 per cent of the regular labour force) and casual labourers (for shearing, reaping, fruit-picking, and so on). The latter category were not recorded at all. Margaret Ballinger's statistics are therefore conservative and her remarks appear to be justified.

The government responds

The farmers' demands appear to have carried so much weight that the government was even prepared to rush through the Native Service Contract Act in 1932 without waiting to hear from the commissions studying the 'native question'. How else can one explain this? The government shared the same disregard for the opinion of the statutory NAC. This exasperated the commission, as we can see from their letter to the Minister of Native Affairs. They noted first of all that the Native Service Contract Bill had been sent to a Select Committee before its second reading, that the Select Committee had been instructed to take evidence, but that despite this opportunity

the bill has now emerged from that Committee in an amended form (AB 15-31).

Members of the Commission were not invited to tender evidence before the Committee, and they wish now to emphasise the following points....

45

Bodies of inquiry evidently counted for less than sections of political and economic interest. In fact, the NAC points help us to understand both the political influence of the farming sector and the government's plans in response to their demands. The NAC stated:

- 3 (i) The Prime Minister has placed before the country and Parliament his proposals for dealing with the acquisition and the occupation of land by Natives in the Natives Land (Amendment) Bill - (AB 22-29).
- (ii) This subject is of such a far-reaching and important nature that he has subsequently taken the unusual step of obtaining Parliament's approval of the appointment of a large and representative Joint Committee of both Houses for the purpose of considering '... the question of making special provision for ... the acquisition of land by Natives....'
- (iii) That Committee is still sitting.
- (iv) Parliament is now being asked to consider the Native Service Contract Bill which purports:-
 - (a) to amend the law relating to Master and Servants in the Transvaal and Natal;
 - (b) to amplify the Natives Land Act, 1913 - an Act which deals with the acquisition and occupation of land by Natives;
 - (c) to impose a tax on certain owners of land i.e. of land occupied by Natives

45 NAC to the Minister of Native Affairs, April 1931, copy sent to NEC 1930-1932 (extract from letter)

(v) The proposals contained in the Native Service Contract Bill not only impinge directly on the proposals of the Prime Minister but also upon the very subject upon which the Joint Committee is engaged.

4. Members refrain from expressing any view on the Bill, inasmuch as they consider that, in view of the above mentioned points, a Bill of this nature should not be passed when the Government is pledged to a comprehensive measure embracing all the points with which the Bill proposes to deal.

46

The commissioners were obviously utterly aware of how totally the government had brushed them aside in order to satisfy the farmers.

The 1930 inter-departmental committee also reported before the NEC did. This may account for its silence on the problem as diagnosed by Africans themselves. However, in retrospect, even if this information had been made available to the committee, there is every likelihood it would have been ignored, just as the findings of commissions and committees after this report were ignored. The action taken by the Hertzog government even after the NEC report had been released shows that they too rejected all arguments that the farm labourer shortage could be linked with legal restrictions.

It was against this background that the farmers renewed their demands, and the Hertzog government's response can now be assessed.

a Labour tenants

An important pillar of the Nationalists' farm labour policy was the system of labour tenancy. This is clear from the speed with which successive laws were passed to entrench this system between 1924 and 1933. The government was by this time convinced that the labour tenancy system should be prevented from disintegrating any further.

The first law to implement this scheme was the Natives' Land Act (1913) Amendment Bill 1926. When Hertzog realised, however, that the implementation of the Land Bill would be delayed - unless of course he had been prepared to revoke the condition that the Land Bill remain interdependent with his other three Bills, which he was not - he was forced to seek an alternative solution. During the same parliamentary session in 1926 he therefore introduced and enacted the Master and Servants' Law (Transvaal and Natal) Amendment Act 26 of 1926. This Act brought labour tenancy into line with the OFS system. In effect the

labour tenant was tied as securely to the farmer as the full-time servant, except that the labour tenants' compulsory term of service ran for 180 days (double the time formerly stipulated in the Transvaal, but not Natal).

The reasons for this immediate action are not hard to find, with continued complaints about shortages of farm labour and repeated failure to get laws to immobilise the labour tenant - who after his contractual three to six month period was virtually free of any labour obligations to the farmer and could easily desert to the town. What the farmers wanted, therefore, was machinery enabling them to act against the deserters' family to prevent individual defaulters from abrogating their responsibilities. As one Camperdown farmer argued:

This is the form of tenancy which is most acceptable to the Native, because it gives him an opportunity of working elsewhere for a cash return at higher wages in urban areas. I found in my sixteen years experience in Camperdown District, Natal, that this tenancy has worked exceedingly well where the kraal head is able to compel his sons to work.

47

Smith also emphasised the importance of urban employment to the farm labour tenant:

It is becoming increasingly evident that the Natives' attachment to the soil is losing its power to retain him in farm employment in the face of competing labour demands and higher money wages. In any case, he has a need for cash, not only to pay his taxes but usually for food and clothing too, and in the absence of a cash wage on the farm he must seek outside employment, at least temporarily.

48

The statutory six-month labour tenancy allowed the farm tenant a period off to earn cash. It was therefore an acceptable arrangement to those farmers unable or unwilling to employ wage labour. With the system of labour tenancy breaking down, the farmers supported its reinstatement but many qualified their acceptance of this system thus:

In my opinion, some such tenancy is the goal which should be strived for. It does away with the stigma of 'forced labour' in every way. But, the kraal head must have authority to bind his inmates to work for the rent - without this sense of security the farmer could not look ahead with any sense of security. It is because of the decline of the kraal head's authority and power over his inmates

47 F B Burchell, evidence to the Select Committee on Native Service Contract Bill, copy sent to NEC 1930-1932. See also the Select Committee report, SC 7-31.

48 Smith, p 51

that this form of tenancy has been converted into a purely 'labour agreement'.

49

In these terms the 1926 Act also proved unsatisfactory. The farmer found that unless there was one contract between the kraalhead - binding on all inmates - and himself, he had no legal means of forcing a tenant to work. Apparently at one time farmers had been able to rely on the kraalhead to bind the inmates of his kraal to a general contract. This custom, however, had never been given the force of law.⁵⁰ Outside the contractual service period, moreover, the penalties under the Master and Servants' Laws fell away. The labour tenant then regained his former independence and neither he nor his family could be forced by law to work for the landlord longer than the contractual period. The farmers experienced the greatest difficulty in getting labour at the height of the season, for this coincided with the period when Africans from the reserves would be least likely to offer their services as well. If these omissions could be rectified by further legislation, at least all labour tenants could be forced to work for the farmer for a six-month period, their family and dependants standing by for the farmer's busy months.

Other ways of coercing or luring labour had also lost their hold.⁵¹

This mattered all the more because proceeding against the errant tenant was a sizeable undertaking for the farmers. They objected to the cost involved in prosecuting their servants under the Master and Servants' Laws. Magistrates involved in thousands of cases believed the only answer was to lay down that all contracts should be registered.⁵² They also agreed with farmers that the passes of farm workers should carry a special endorsement making it easier to trace absconders.

49 Burchell, evidence as above (n 5.47). See also address by the Minister of Native Affairs, E G Jansen, to the 1931 Native Conference called to discuss the Native Service Contract Bill. His remarks are almost identical in the NAC report 1927-1931, UG 26-32, p 16.

50 Burchell, evidence as above; although the farmer had law on his side.

51 See discussion on diminishing value of 'privileges' pp 176-178.

52 A M Baumann, a Free State magistrate, had this to say on the operation of the Master and Servants' Law in the OFS: 'The great difficulty in the Act is that in the old Free State days the master had to prove a contract, he had to prove it by means of two witnesses if it were verbally proved or else he had to prove a contract in writing, whereas now, since 1903 that has been done away with, and we very often see in the court a case where a man says: 'my contract is so and so' and the servant denies it, well naturally in the Free State the master's word is taken and that is the great difficulty under the Master and Servants' Act.' SC 6a-17, para 2666. Magistrates in Natal and the Transvaal also complained: see UG 22-32, paras A101-164.

Accordingly the government passed a series of laws to give the farmers better control of pass law offenders – the Native Administration Act 1927 and its Amendment in 1929 extending labour control in all rural areas,⁵³ and the Natives' (Urban Areas) Amendment Act 1930 gave greater control in prescribed urban areas over the comings and goings of African farm employees.⁵⁴ Clearly the main thrust of the Pact government's segregation policy in its initial form was to stabilise labour tenancy and share out labour tenants more fairly amongst farmers. At this stage the state system of labour control was not designed to repatriate redundant workers from the towns to the reserves for the purpose of reallocating them fairly between the farmers and the mines, for the government still believed that the labour tenants and squatters already resident in the white rural areas would be enough for the farmers' needs. As long, that is, as the Africans in the white rural sector could be secured for six months' labour on the farms.

b Squatters

What the state appeared to be aiming towards by 1929 was full control over the labour supply in the white rural sector in aid of the farmers. In this Hertzog's labour policy differed from those of his predecessors, but it was in line with the practices extant in the OFS. The SAP policy, it will be remembered, was biased in favour of the mines. Only a three-month service contract was stipulated in the 1913 Act, presumably because it still left labour tenants free to work in the mines thereafter. Under Hertzog this period was doubled even though the mines in 1924 had instituted a 270-hour contract for locally recruited workers who were signed up under contract. This change meant a contractual period of 11 months would be required, thus cancelling out a period of service on the mines unless the labourer entered under the voluntary assisted scheme.⁵⁵

But it was in Hertzog's measures towards squatters on unoccupied land that a change in his policy is most marked. The link between squatters and the mines' labour policy has already been shown.⁵⁶ It was argued that Sauer's squatter resettlement policy was devised with the mines' labour claims in mind, hence the decision not to enforce anti-squatting measures before land in the

53 For discussion on how the Native Administration Act 1927 was used to control labour see above, pp 121–123.

54 For discussion of these laws see below, pp 204–209, also pp 136–137 and chap 8.

55 See also p 245.

56 See pp 149–151.

reserves had been obtained. The reprieve for squatters was opposed by Hertzog as early as 1913. During the debate he expressed his views thus:

Well, he must congratulate the Minister, and he hoped that, having gone so far, he would go a little bit further, and would also accept the rest of his [General Hertzog's] proposals when legislation was introduced into this House.... The Minister had told them that he would lay before this House a Bill providing for legislation in regard to the purchase and lease of land, but he could not do that without at the same time introducing a measure providing for the question of squatting. Well, it was just on this matter that he desired to say a few words and in regard to which he felt compelled to propose an amendment. The Minister had said that the reason why he could not introduce a Squatters' Law now was because they would not know what to do with the large number of natives who would be thrown on their hands. He only wished to say this, that if the Minister would also accept the further part of his [General Hertzog's] proposal, he would see at once that he need not fear that, because provision was made that they should go gradually, and that in those districts where they found natives in large numbers, they could be left even for years, and that they should go step by step from district to district, so that gradually they would deal with all the natives.

57

Hertzog's plans had been thwarted in 1913 when he was made to resign his portfolio as Minister of Native Affairs in the December of 1912. In 1924 as Prime Minister and Minister of Native Affairs he again had the chance to put his original squatters plan into practice. The situation as far as the farmers were concerned demanded action.

By the late 1920s the farmers were still opposed to the 1913 squatter resettlement plan. Most still harked back to the old republican system. They still believed squatting should continue in locations for the convenience of whites; or they should be evicted, to be distributed fairly amongst the farmers as labour tenants or full-time servants. The latter solution was preferable in 1926 for, as many witnesses to the NEC claimed, many squatters from these locations had become urban workers and the farms and mines were being bypassed as a result. But the farmers suffered most from this new development. The Assistant Magistrate of Johannesburg, R Colson, was among those who thought so. Years of experience in the Marico and Transvaal bushveld districts also led him to note that Africans in these areas were quite 'uncontrolled':

They form a reservoir of farm labour in bad seasons when the labour is not much needed; at other times the natives prefer to go to the

57 Davenport & Hunt, doc 91, p 57 and also doc 92; and P Dickson, 'The Natives' Land Act 1913', unpub MA thesis, UCT, 1969

urban centres for work. 58

Africans in these areas were free of pass laws, service contracts and the various other devices used to tie farm labour down, and were thus 'free' to choose other jobs. As a result some farmers insisted the government devise a system whereby the squatter, like the labour tenant since 1926, could be subject to greater control. Squatters should be compelled, they said, to give at least six months' service before being allowed to take up jobs in the towns and mines.

In fact the farmers had no objection to Africans having other jobs for six months, because many farmers were unable or refused to pay cash wages. It was also an important reason why Hertzog prevaricated on the whole question of influx control – but this is dealt with in a later section.

c Full-time servants

Before discussing the new laws tying squatters and labour tenants more firmly to farmers, let us look at the last group – full-time servants. They were securely bound to the farmer by 1923. The even more effective system of pass law controls under the Urban Areas Amendment Act of 1930 had, according to the NEC, also stamped out most of the earlier opportunities for desertion. The pass carried by the full-time servant had a special endorsement, and after 1930 the onus was on the urban employer for the first time to ensure he was not taking on someone whose pass was endorsed as a farm employee.⁵⁹ This virtually cancelled out all other work than that on the farms for full-time servants. These workers had limited options even within their own district. Not only would a farmer be reluctant to poach his neighbour's servants, but as Francis Wilson said in discussing the 1913 Act:

It is possible to regard the 1913 Land Act as being an act of collusion amongst the hirers of farm labour not to give remuneration above a certain level. 60

Although the farm worker was protected by the courts, in general the law was not on his side. A magistrate from Ladybrand explained why. On the adminis-

58 NEC 1930–1932, written evidence of R Colson. He was well qualified to speak on matters dealing with farmers and their labourers: see n 5.13 for curriculum vitae. It should also be noted that districts in which he served coincide with districts in which large areas were held by land companies and the crown: Piet Retief, Zoutpansberg, and the Groot Marico district.

59 For discussion on Natives' (Urban Areas) Amendment Act 1930 see chap 8.

60 Wilson, 'Farming...', p 128

tration of justice under the Master and Servants' Law he wrote:

This Act in my opinion, has worked very smoothly in this District. The powers given to the Magistrate, if properly and wisely, and impartially exercised, are sufficiently extensive to cope with any contravention of the Act either by employer or labourer.

He went on:

I say wisely and impartially advisedly because the inherited prejudice against the unfortunate native is so strong that magistrates need a fair amount of worldly knowledge and a strong sense of justice to deal with these cases. Why I particularly mention this aspect of the matter is because the magistrate's popularity in his district depends to a large extent on the severity shown when dealing with the Native as against the white man and if his sense of justice is not sufficiently developed it may easily be swamped by a desire to be well spoken of by the farmers.

61

This was not an isolated report. Outside the Master and Servants' Laws, magistrates also objected to farmers lending money to their servants to pay their poll taxes, wheel taxes, dog taxes and various subsistence cash needs.⁶² Once in debt the labourer would be refused a trekpass and no other employer could engage him. Dr Neveling was not exaggerating when he described the position of the farm labourer as 'up against the stone wall of always having to remain a farm labourer'.⁶³

Legislative solution - a forced labour policy

Of course only the cases of dissatisfied employers and employees were recorded. The evidence of the former farm tenants suggests too that, until the crisis in the 1920s, Africans on the whole were in a better bargaining position and farmers were generally more tolerant of the labour conditions under the traditional forms of tenancy.⁶⁴ But the laws of the Pact era and second Hertzog ministry, culminating in 1932 in the Native Service Contract Act, proclaim the end of tolerance and compromise from the farmers. The Native Taxation and Development Act of 1925, the formalised use of convict labour, and the Native Service Contract Act were all forced labour measures introduced and passed by the government between 1924 and 1933.

61 NEC 1930-1932, written evidence of the Magistrate of Ladybrand, OFS

62 Published comments in tabled report UG 22-32; for references see n 5.52.

63 Neveling, 'Farm labour...', p 8

64 See evidence of the Church of the Province above, pp 177-178.

The League of Nations in 1930 defined forced labour as 'all work or service which is extracted from any person under the menace of any penalty for its non-performance and for which the worker does not offer himself voluntarily'⁶⁵ The various forms of legal indirect compulsion were

taxation, vagrancy or 'pass' laws, the deprivation of lands, the retraction of lands, cultivation or cattle-rearing, and other measures, when adopted with the intention of forcing workers into employment. 66

All these indirect forms, said the ILO report, were just as bad as direct pressure.

a Taxation

An Outlook editorial on how workers were coerced, specifically mentioned the taxing of Africans:

So impartial and influential a body as the Associated Chambers last year passed the following resolution '(a) that the Native is sufficiently taxed through the customs tariff; (b) that the poll tax is out of proportion to the income tax levied on Europeans; and (c) that the collection of tax is expensive, irksome and unjust, causing inconvenience and annoyance to the Native who has paid the tax and to employers generally'. 67

Commenting on this mild reaction the editor wrote:

Whatever the motives may have been for the imposition of heavier taxation upon Natives than on Europeans, the effect is to drive the Natives to earn more money by working for Europeans. The poll tax in certain circumstances is in effect a labour tax. 68

In doubling the general tax, or poll tax as it was commonly known, under the 1925 Tax Act, the government resorted to a tactic that had proved itself in the past. Frankel put it to the NEC thus:

65 Wilson & Perrot (ed), 'Forced labour', p 318; also Lord Hailey, An African survey, whose 1936 edition has a chapter on forced labour in Africa.

66 Wilson & Perrot, *op cit*, p 319

67 *Ibid*, p 320

68 *Ibid*. The 'poll tax' was one of the important grievances voiced by the majority of African witnesses before the NEC. It should be noted that the fourth term of reference of the commission dealt specifically with the 'proportion of the public revenue contributed by the Native population directly and indirectly. . . .' The evidence of D D T Jabavu and S Plaatje is particularly valuable on this question. See also paras 532, A335 and A337 in the published report where taxation as a means of augmenting the labour supply is discussed.

There can be no doubt that the historical cause of the present general Native tax of £1 (and probably also of pass fees), is to be found in the desire to force Natives to work. In my opinion ... the Natives are today already being driven by a far stronger force than taxation, to find work on almost any terms that will give them and their dependants a livelihood. This force is the threat of starvation in the overcrowded reserves. It is therefore most important to realise what is the real effect of the tax under the present conditions in the Native territories. It results in nothing less than a drastic weakening of the Natives' wage bargaining power so that the customary low wage which exists as a result of the pressure on the labour market of the masses of unskilled Native labourers seeking work is further reduced (or prevented from rising). In other words the effect of such taxation is to undermine further the functioning of any bulwarks against gross economic exploitation of the Native peoples that might still exist. 69

So, as the demand for labour grew in the 1930s, Africans were forced into jobs by dint of being taxpayers. Tax defaulters suffered the same fate, for they ended up as convict labour. But white liberals hailed the 1925 Tax Act as a blessing despite its discriminatory guise, since it ruled that at least one-fifth of the total poll tax should be for 'native development'. Most Africans, however, stigmatised it as a 'labour tax' from the outset, voicing their abhorrence in terms like those of Frankel cited above. Their response was understandable. This law added yet another to the multitude already passed under which Africans could be arrested for a so-called 'technical offence'. African movement was hindered by the 1925 Act and an Amendment Act 25 of 1930. The former required every African to carry his tax receipt - issued at his place of domicile, be it the reserve, a farm or a town - and an identity pass at all times. The 1930 Act specified that curfew regulations restricting the times when Africans could be abroad could be promulgated. The penalty for contravention of these statutory restrictions was summary arrest, and a period of imprisonment upon conviction. In 1926, 63 941 Africans were arrested under the 1925 Act alone.⁷⁰

b Convict labour

Considering that a vast amount of convict labour was to be employed officially for the first time in all sorts of industries and undertakings, this charge that the Taxation Act was used to augment the labour supply is further substantiated. Or as Stuttford, the MP for Newlands, saw it: 'it was for the convict's own good that they should be kept usefully employed' and he 'did not see why a man should

69 NEC 1930-1932, typescript evidence of S H Frankel

70 R E Phillips, The Bantu in the city, p 177, and table 8.7 below

be able to retire from work simply because he committed a crime.⁷¹

c Further urban restrictions rejected

The Transvaal Agricultural Union saw another way to augment their labour supply: they tried to put pressure on the government to reallocate Africans living in the reserves to the farmers' advantage, by

the complete segregation of the Natives from the towns and the gradual repatriation of all male Natives except such as housed under the compound system.

72

In short, some farmers were demanding that the government restrict all rural Africans from entering the towns, and not merely workers off farms. Their acceptance of an urban compound system ties up with the no-wage-low-wage policy already discussed, and thus the restrictions were to apply against only those rural Africans who could not prove bona fide employment on a farm for at least six months.

The government rejected these demands at the time. Presumably they believed they could supply the farmers adequately by other means. The Native Service Contract Bill first tabled in 1929 and then each successive year until it was finally passed in 1932 shows that the Hertzog government had devised a policy which if strictly implemented could have secured more than enough workers for the farmers' needs.

2 000 000 Africans tied down to the farms

a Labour tenants and full-time servants

Under the 1932 Service Contract Act roughly two million Africans could have been secured in the white rural sector. Firstly, labour agreements were amended so that for the first time 'the unit of employment' was the married man as head of the kraal, his family and his dependants. What was destructive of African mobility was that workers were required to have a document of identification before they could be employed or even issued with a pass to leave their place of domicile; and if that place of domicile was a white's farm then the document of identification had to be accompanied by a labour-tenant contract

71 House of Assembly Debates, 18 May 1931.

72 Wilson & Perrot (eds), 'Forced labour', April 1930, p 318

endorsed by the landowner to the effect that the African was not required to render service during a specified period. Nor could an African juvenile from the white rural areas be employed without the consent of both guardian and landowner.

Secondly, if a single member of the 'unit' failed to fulfil his or her labour obligations the farmer could, without recourse to the courts, evict all members of the defaulter's family. In this way two further demands of the farmers had been met: the problem of 'costly and time-consuming' legal proceedings had been overcome; and a six-month (180-day) labour service could be enforced on all members, who were bound to serve at one time or another, taking turns at the farmer's convenience. This labour contract was to apply unless the Governor-General expressly said otherwise.

Thirdly, although both magistrates and Africans had pressed for written contracts these had not been mentioned in the Act. The system therefore still lay open to even wider abuse. Since the length and period of the tenants' services was not stipulated, a labour tenant's service could be extended throughout the year, if the farmer so wished, and the tenant could be forced to comply. It was this which moved Rheinallt-Jones to comment in 1931:

I am impressed by the wastage entailed by Squatting and Labour tenancy as well as by the misery they entail. The wastage is due to the fact that large numbers of Natives are kept 'hanging about' when their labour is not wanted. . . . The misery is due to the complete absence of status, and the extent to which Natives are turned off because their children have grown up and left for the towns. In one town in Natal an official told me that as many as 3 Kraals would come into town because of this.

73

Under the 1932 Native Service Contract Act this eviction of whole families was given the sanctity of law. The 1932 Act therefore seems to be an attempt to make kraal heads control the inmates of their kraal more fully. Should the threat of eviction fail as a deterrent, however, whipping had been legalised. This innovation, reminiscent of the 'Strop' Bill introduced in the Cape Parliament in 1891 but never passed, was welcomed by farmers. It empowered a magistrate to inflict lashes on an African servant for breaches of the law regulating the position of masters and servants. Farmers had complained that their servants should not be afforded the luxury of languishing in jail at their expense.⁷⁴ Disciplinary

73 NEC 1930-1932, typescript evidence of J D Rheinallt-Jones

74 This was a repeated complaint from farmers who wished to do away with court proceedings, and was a further reason why the proper registration of contracts was not insisted upon.

action under the Master and Servants' Law had always made breach of contract a criminal offence for the full-time servant. Now for the first time this was extended to all forms of farm labour service – regardless of the period of contract. Again, the offender and the kraal could be penalised. Edgar Brookes saw how far-reaching this law could be:

In the year 1926 [the government] passed the Master and Servants' Law (Transvaal and Natal) Amendment Act, by which tenants became for disciplinary purposes ordinary labourers. When we realise that the 1913 Act has forced the gradual substitution of labour tenancy for squatting, it means that Union legislation has introduced a system which can only be called forced labour. And this in the sacred name of segregation, though a greater proportion of Natives live in European areas now than in 1913.

75

No figures exist to show how many rent-paying tenants were demoted into labour tenants between 1913 and 1926. But the very fact that this group of labour tenants was specially catered for in the 1926 Amendment is indicative of a considerable increase in their number.

Even before it was passed, the Native Service Contract Bill struck people as forced labour – it was delayed for this reason for three years in consequence of fierce opposition by members of the SAP. Selope Thema, a moderate ANC executive member, found it coercive:

It seemed the object of the Bill was to provide for a continuous supply of cheap labour. He thought the time had come when the Natives should say to the farmer 'If you want labour you must pay for it like the farmers of Canada and Australia are doing.' The farmers were taking advantage of the fact that the Natives required land, to force these conditions on to them.

The Bill restricted freedom of movement among the Native people, denied them the right of bargaining with the land to their best advantage and introduced a new pass system.

76

The Reverend Mahabane was to add:

The most obnoxious and pernicious feature of the measure was section 11 dealing with whipping The Bantu people had advanced in civilization; even in the olden days a Native could not inflict corporal punishment on his son of 18 years of age without assistance of the boy's uncles and the consent of the family council. Now this section provided for the whipping of a servant, who might even be an old man. Was there better proof that they had returned to the days of slavery?

77

75 Brookes, *Colour problems...*, p 60

76 S Thema at the Native Conference, 9 December 1930, *NAC report*, UG 26-32, p 22

77 The Rev S Mahabane at the same Native Conference, p 21. During the Committee stage an Amendment was introduced providing for the whipping of boys only. See n 5.8.

The new pass law Thema referred to was one that required special endorsement on the passes of all Africans domiciled in the 'white' rural sector - already noted - introduced under the 1932 Service Contract Act. All sorts of ploys were used that gave the farmer a technically legal right to refuse such an endorsement: indebtedness; non-fulfilment of the 180 days because the farmer had stretched the service over many months instead of the labourer serving his time in six consecutive months; fathers or brothers being forced to labour in place of a kraal defaulter - to name just a few.

The fact that the wording of the Act was so vague - with no built-in safeguards against unscrupulous employers - is further corroboration that the Act was a forced labour measure. Exponents of the Act argued that, given the acute labour shortage, no farmer would dare exploit his labourers. But by the same token, with the congestion in the reserves and the stringent controls to prevent desertion or access to other job opportunities without the farmer's permission, the labour tenant, like the full-time servant before him, found himself immobilised at the farmer's convenience. The only difference was that the labour tenant was stuck for six months in the year. After that he could get wage employment either with the same employer, or another farmer or in a different sector altogether, whereas the full-time servant was tied to the farmer until either party gave three months' notice to terminate the contract. Even then, the full-time servant would be barred from seeking work in another sector.

b Squatters

How did Hertzog propose to deal with illegal squatters under the Native Service Contract Act? Here the government completely reversed its predecessors' policies. Extra land for resettling squatters was not to be made available. The moratorium contained in Sauer's saving clause was therefore dropped. Instead the Governor-General-in-Council was given the power to proclaim areas where clauses in the new Act for the eviction of squatters would immediately come into force.⁷⁸

What was to be the fate of evicted squatters? It seems they were not meant to be resettled in the reserves because, as we saw earlier,⁷⁹ the provisions under the Land Amendment Bill showed Hertzog had no intention of extending the reserves. Since the Act did not provide for any other land

78 See chap 3, p 119.

79 See chap 2 above, p 56 ff.

where the evicted could go, all the squatters could do was seek jobs on the white farms, and this no doubt was the intention of the Act. The idea of segregation had obviously been abandoned here. As Edgar Brookes wrote at the time:

Here for the first time, all pretence of carrying out the 1913 policy was dropped, and no concessions of further land, however illusory, were made in the Act. All was lost, even hypocrisy. 80

The SAP's land segregation policy had been reversed in yet another way, in that even the administrative dispensations that had operated since 1923 were apparently to be phased out. Edgar Brookes drew attention to this in 1933:

From 1930-1932 things have gone from bad to worse. First of all, a quiet administrative ruling which only leaked out some time later, deprived the Natives of the right to acquire land in 'released areas'.... 81

In the preceding chapter we saw that magistrates had met with such opposition on this ruling from individual farmers and farmers' unions that it was in effect a dead letter, but Brookes's statement is the first suggestion that the policy had been officially dropped.

So the government had no intention of providing a haven for squatters in the reserves. Add to this the clause under the 1932 Contract Act which, with some exceptions, ensured that any African male domiciled in the Transvaal or Natal outside the 'native areas', 'who is or appears to be above the age of 18 and under the age of 60' would be liable to a special tax of £5 unless he could prove that in the year in question he had worked for at least three months under a contract of service or as an artisan. It becomes quite clear that Hertzog meant to tax squatting out of existence. The ex-squatter would then be moved into regularised labour service on the farms for at least three months in the year, or else pay the state £5 a year for his mobility or refusal to accept wage employment. The white farmers gained one way, the state the other.

What other option did the squatter have? Few squatters could have afforded the £5 tax in addition to the rental and grazing fees to be paid to the landlord. For a man and his two sons over 18 this could work out at a minimum of £15 special tax, £6 rental and £6 poll tax. The new restrictions on the

80 Brookes, *Colour problems...*, p 68, and chap 2 above, pp 80-81

81 *Ibid*, p 61. For discussion on administrative dispensations see above, p 80, n 2.25, and appendix B.5 below.

hiring and leasing of land had all but destroyed the communities of peasant cash-croppers that existed at the time Lagden reported in 1904. The reserves were congested and overstocked; they could not hope to accommodate thousands of squatters and their livestock in 1917, let alone 1932. To appreciate the hopelessness of the squatters' plight, it is worth recalling the resolution of the TLOA before the Select Committee on the Native Administration Bill in 1927. This read:

That its proposals regarding Native squatters in non-Native areas are of such a nature that they must result in the wholesale eviction of thousands of Native families. The enforcement of the law as drafted will result in serious loss and severe hardships to both landowners and Natives, and will give rise to a general feeling of insecurity and alarm more especially amongst Natives. . . .

The Association is of the opinion . . . it will be only fair to Natives and landowners that their existing relations should continue until such time as suitable provision has been made for such Natives inside Native areas.

82

The moratorium on evicting squatters which Sauer had insisted upon in 1913 was continued in 1917 because the land for resettlement of squatters had not been released. As a result, Africans who hired or leased land from farmers or absentee landlords in Natal and the Transvaal could not be arbitrarily evicted. In the intervening years, crown lands and farms owned but not occupied by whites had been the only refuge for both landless Africans from the reserves and squatters evicted from occupied farms. These latecomers were squatting illegally, for the moratorium applied only to tenants who had leased or hired land in these areas before 1913. The thrust of the 1932 Bill was to effect the eviction of these families. Oswald Pirow, the Minister of Justice, made this plain when introducing the Native Service Contract Bill in 1932. 'Clauses 7 and 8 contain certain provisions,' he said,

the intention of which is to facilitate criminal prosecution in case of contravention of the Native Land Act. We find today that not thousands, but tens of thousands, and possibly hundreds of thousands of natives wrongfully and in conflict with the Native Land Act of 1913 occupy and use private land. If, however, we want to prosecute a private person today, then the crown prosecutor has to prove that the native has not lived on that land before 1913, a thing impossible in practice.

83

But the 1932 Bill went much further than this. It aimed to end all forms of squatting outside the 1913 scheduled reserves, so that not even Africans hiring

82 SC 6a-17, para 2383

83 House of Assembly Debates, 4 February 1932, cols 643-644

or leasing land in the areas scheduled for release would be exempt from the restrictions of the 1932 Bill. Pirow explained this innovation during the second reading debate:

Let me, in the first place, say what land or territory is affected by Clause 9: let me be quite frank and explain to the House that it includes all land except proclaimed locations [84] and certain urban areas.... Therefore all the other land falls under the tax, and, in my opinion, all the land must come under this Bill, because otherwise the so-called native farming will merely continue to go on on a large scale.

85

If anyone still harboured the illusion that the Hertzog government intended releasing land before dealing with the squatter problem, Pirow's speech dispelled it. He dismissed the Select Committee's chief recommendation 'that the 1932 Bill be delayed until the Joint Select Committee on the Prime Minister's Bills reported', as 'groundless', contending that

we do not know whether these other Bills will ever be passed.... Moreover, the three Bills before the select committee do not even primarily deal with the occupation rights; those are merely a subsidiary matter.

86

Pirow was even more explicit in committee. It is true, he said,

that in the schedule to the Prime Minister's Bill there are areas specified as white and native. I have always understood, however,

84 Defining locations, Pirow stated: 'I want, in the first place, to draw the attention of the House to the definition of the word "location". I do so because it is said that this Bill aims at forcing every native to work for three or four months in the year whether he owns his own ground or lives on ground which is described in the annexures to the 1913 Act. According to the definition clause the word "location" means -

*Any land within an area included in the schedule to the Natives Land Act, 1913 (Act No. 27 of 1913).

*Land acquired by natives for tribal occupation.

*Any area proclaimed by the Governor-General as a location for the purposes of the Native Administration Act 1927 (Act No. 38 of 1927).

*Any land owned and occupied by any native.

*Any land owned or controlled by an urban local authority as defined by section 29 of the Natives (Urban Areas) Act, 1923, (Act No. 21 of 1923).

*Any mission station exempted by the Governor-General in terms of subsection (1)(h) of section 8 of the Natives Land Act, 1913 (Act No. 27 of 1913).

This means, therefore, that natives who live on this land are excluded. In practice the provisions of this Bill will, therefore, be restricted to land belonging to private persons, to a certain extent to Crown lands occupied by natives otherwise than as a location.' House of Assembly Debates, 4 February 1932, cols 642-643.

85 *Ibid*, col 634

86 *Ibid*

that the select committee is not to be tied down to those particular geographical areas and that the schedule was to be on the basis rather of a numerical than a geographical one. . . . The term 'released' area has no geographical definition. The intention is not to stick to the schedule. 87

Smuts rejected Pirow's interpretation. The question of squatting was being reviewed by the Joint Select Committee, he said, and 'here the Minister gaily barges in and makes a provision which, if carried out, will lead to absolute chaos in this country'.⁸⁸ Using the same argument the supporters of Sauer's Bill had aired almost 20 years earlier, he warned: 'If this provision were carried out every squatter on every private farm would get notice to quit.'⁸⁹ Those evicted would have nowhere to go - 'the locations are full, we know our towns are chock-a-block with Natives already, and the whole cry in this country is for the Government to stop this migration of Natives to the towns'.⁹⁰ Commenting on the real motive behind the Bill, he said the existing system evoked criticism because

land companies sit with large tracts of territory which they fill with natives, who, the farmers say, they want badly for service on their farms. To think that a provision of this kind will have the effect of dislodging the natives from these company farms and spreading them wholesale among the rest of the farmers is worthless. 91

The whole debate was conducted on a non-party basis. Not a single MP who was either a farmer or who represented a farming constituency outside the Cape sided with Smuts. Without fail they all welcomed the fact that the government was not prepared to compromise on the squatting question.

The squatting clauses in the 1932 Bill met the farmers' demands in full. In effect the Bill would force all Africans into labour service. Only the squatters who worked for three to six months each year could stay on the land without paying the prohibitive tax - but then they would be reduced to being labour tenants, trapped in a new complex of restrictions and regulations.

Resisters could also be dealt with. The 1932 Contract Bill said that unless a rent-paying tenant was registered within a month of the Bill becoming law and

87 *Ibid*, 29 February 1932, col 1593

88 *Ibid*, 4 February 1932, col 648

89 *Ibid*, col 649

90 *Ibid*

91 *Ibid*, col 650

annually thereafter, he would be deemed a labour tenant for the purposes of the Act. Since it was the farmer or absentee landlord alone who did the registration, quite clearly the farmer was being offered an indirect way of forcing the rent-paying tenant into the position of a labour tenant by simply failing to register him as a squatter. Unregistered squatters thus automatically became labour tenants, tied to service for the specified period.

The 'Service Contract' in the Bill's title may have seemed to promise a new respect for workers' interests, but in fact the Bill meant that they could be coerced as never before. Formerly labour service was confined to working for the landowner. But under clause 3 of Pirow's Bill, a labour tenant could be required to serve 'in any place in the Union'. This was a particularly contentious clause, for it meant that if the kraalhead or a guardian contracted for children under 18 even they could be forced to leave their parents' farm and work elsewhere.

The MP for Mowbray, R W Close, proposed an amendment, arguing that clause 3 embodied the principle of child servitude:

Let us picture a case where we find that some unscrupulous native realizes the potentialities of this clause and becomes the farmer of child labour. Let us suppose he lives in a large native location attached to an urban area. If he can say that he is in fact the guardian of a native he acquires the right to enter into a contract with regard to that native. How are we to place any check upon an unscrupulous man under such circumstances? A child of ten may be so dealt with, and this Bill applies to female as well as male children. Such a person may be a procurer of child native labour, and may make a regular income by taking them to places where contracts can be entered into. Then the owner of land is referred to. The owner of the piece of land may be a native himself, so that you have on one side the opportunity of trafficking in native children, and on the other that a native may acquire control over native children. What guarantee have we against the most gross and terrible abuses? But this is nothing to the Minister of Justice. I can only appeal to publicity to give us some assistance in this matter. 92

Others argued that the same abuses could be perpetrated by white recruiters who signed up children under contract. The whole of clause 3 in the hands of an unscrupulous employer was wide open to abuse.

Exponents of the Bill ridiculed Hofmeyr's attempt to expose it as a forced labour measure, as defined by the 1930 Geneva forced labour convention.⁹³ The

92 Ibid, 29 February 1932, col 1630

93 Ibid, 22 February 1932, col 1335-1336

farm labourers and kraalheads in particular had welcomed the Bill, said MPs representing the farming sector. It was they and not the farmers who pleaded for laws to help prevent their children deserting to the towns. But if the parents demanded this, the opposition countered, why did the Minister allow farmers to indenture children over ten years for work away from their parents' home? Madeley, MP for Benoni, challenged his Transvaal colleague:

the hon. member for Wonderboom (Dr. van Broekhuizen) says: 'What are you fellows grumbling at? If a farmer turns his native off his farm he comes back with tears in his eyes and asks to be re-engaged.' If that is true, why turn him off the land, why thrash him into submission, why force a contract on him, why allow a guardian to enter into a contract of service for an indefinite number of years on behalf of a minor native? Why do you bring such oppressive legislation to bear on the native? 94

The answer came from the MP for Magaliesberg, S F Alberts. The Bill was necessary, he claimed, because the young people were deserting to the towns. As a result,

the farmer is left on his farm with the old natives whom he cannot drive off. . . . It is not because we want money, but because we want to abolish those illegal private locations that exist on the farms. The farmers have nothing but inconvenience with the natives, who are useless, grow up in sin, and subsequently become unfitted for work. . . we must put an end to those undesirable locations. The natives squat there and do nothing. . . . The land remains undeveloped and there is work for every native and European in the country, but we have to compel the people to work by legislation. 95

Yet it seems that many Africans throughout the country had already suffered – and needlessly, in terms of what the land could support. Farms in white areas were still largely unoccupied, or else at least had areas still uncultivated. Land was physically available for squatters. '30.30 per cent of the farming area in 1929 was composed of farms of more than 5 000 morgen', wrote Robertson at the time. '75.932 per cent of the area was taken up in farms over 1 000 morgen and much of this is little utilized.' Thus, 'if they pay their native labourers in land to cultivate for themselves it costs the farmers little or nothing.'⁹⁶

He went on to report that in 1929 no less than 59 822 adult male Africans were living on land owned but not occupied by whites.⁹⁷ This gives a total of

94 Ibid, 23 February 1932, col 1351

95 Ibid, 4 February 1932, col 655

96 Robertson, p 150. See also table 5.4.

97 Robertson, p 150

about 250 000 souls who would be affected in the Transvaal and Natal by the new conditions once the 1932 law was enforced. To this number must be added the squatters, labour tenants and full-time servants on occupied farms. It then appears that by 1933 roughly two million in the 'white' rural sector⁹⁸ could, if the government so wished, be forced to render at least six months' service to the farmer each year.

Thus there is little doubt that Hertzog had decided against putting the policy of territorial segregation into practice. Two million Africans were to stay in the 'white' rural sector to serve the farmers' needs. The link between the land and farm labour provisions had been severed. The farm labour clauses under the Land Amendment Bills now stood as two independent Acts – the Master and Servants' Law (Transvaal and Natal) Amendment Act of 1926, and the 1932 Native Service Contract Act – while the release of further land was still conditionally tied to the abolition of the Cape franchise. The franchise question would pale into insignificance over the next few years. The negotiations with Africans were over. Land was still an issue, but this time Hertzog would be bargaining with the mines, to which we now turn.

98 See rural distribution table 2.5.

6 MINEOWNERS' DEMANDS AND
MIGRANT LABOURERS 1924 - 1933

The central importance of the mining industry

Mining economics and the labour shortage

Causes of acute shortage 1924-1933

Conflicting interests - mines and farms

Hertzog's policy plan for the mines

The central importance of the mining industry

It is important to remember throughout this chapter that capital in South Africa was not a home but an 'uitlander' quantity.¹ This meant that the exploitation of the country's mineral wealth was made possible by capital from foreign investors in Europe, mainly Britain. The Union thus depended on maintaining its economic links, as a peripheral state, with the imperial power. This unwelcome fact inspired the staunch Afrikaner nationalist to support Hertzog in his efforts towards asserting South Africa's political sovereignty.²

Coupled with this drive for political independence was a similar desire for national economic independence so as to free South Africa from the stranglehold of foreign capital. This stranglehold, said the nationalists, was detrimental to South Africa's interests, especially where her 'native' and 'white labour' policies were concerned.

It was in the realm of agriculture, however, that Hertzog's economic nationalism first aroused criticism. Reviewing the National Party's policy towards this sector, Professor C S Richards wrote in 1933:

The Union suffers from a chronic bucolic complex. Though recent events have done something to dissipate the idea, the belief is still firmly held that agriculture is the principal industry of the country, despite ... the obvious fact that the prosperity of the Union is based on its gold mining industry. 3

Richards proceeded to castigate the government on its policy of

indiscriminate subsidies, wasteful and impossible irrigation schemes, Land Bank loans which, not infrequently, finally develop into gifts, protection for the growth of products such as wheat ... together with unbusinesslike control boards and export quotas.... 4

The pursuit of these policies, Richards said, has 'succeeded only in breeding an attitude of mind among sections of the farming community which looks continually to the government for assistance.'⁵ This assistance, as we saw in the

1 See Frankel, p 69 ff, and also his Investment and the return to equity capital in the South African gold mining industry 1887-1965, chap 1; Wilson, Labour..., p 22 ff; and L Katzen, Gold and the South African economy 1886-1961, p 33 ff.

2 See Introduction.

3 C S Richards, 'Economic revival in South Africa', Economic Journal, v 64, 1935

4 Ibid

5 Ibid

last chapter, was clearly manifest when it came to devising a labour policy acceptable to the farmers.

A far more virulent attack against the state's determination to assert its economic independence came during Hertzog's second term of office. This attack was directed against the National Party's refusal to follow Britain when she left the gold standard in September 1931. Remaining on the gold standard symbolised South African sovereign independence. Hertzog refused to yield. A parliamentary Select Committee recommended that South Africa stay on gold. The majority of farmers, for sentimental reasons, supported Hertzog's stand. Even the Chamber of Mines, on the grounds that an increase in the price of gold would mean an increase in miners' wages, initially gave Hertzog their support.⁶

Conditions reached their nadir in December 1931. Smuts, in a whirlwind tour of the Union in January 1932, denounced the government for its ruinous obsession with the gold standard, which he claimed was responsible for the impending collapse of public finances; the progressive strangulation of the export industry and domestic trade; as well as the sufferings of ordinary people.⁷

The stand taken by the Select Committee on gold and the government's continued refusal to reconsider its monetary policy towards the gold mining industry was also strongly criticised by leading industrialists and economists at the time. Professor Frankel claimed:

Monetary policy in the Union has been determined without adequate reference to the course of other economic developments in South Africa. It has been pursued, as it were, *in vacuo*, and debated as if it could be considered apart from the course of trade, production, the levels of incomes and wages and other non-monetary factors. 8

He was especially critical of government bias towards promoting subeconomic industry and farming pursuits at cost to and expense of the mines.

These denunciations had the full backing of the mineowners and foreign investors. These men resented Hertzog's attempts to translate his anti-imperialism

6 For the reasons behind the government's decision to stay on the gold standard, see SC 9-32; for criticism and consequences of the government's decision, see articles by S H Frankel in the Rand Daily Mail, 14-17 June 1932.

7 Hancock, v 2, p 243

8 S H Frankel, 'South African monetary policy', SA Journal of Economics, v 1, 1, 1933, p 80

into a narrow economic nationalism. There were many who had always opposed the government's fiscal policy of heavily taxing the excess profits made by foreign investors in order to subsidise subeconomic local industries, 'white labour' and 'civilised labour' policies, and non-progressive farming practices.⁹

During the brief period of prosperity from 1923 to 1929, with the full backing of the politically powerful rural electorate and the white working class, the National Party in its pact with Labour largely ignored these claims. But during the depression it was brought home to the government that economic interests and the state's internal policies could not be divorced. Overseas investors were also showing a decided reluctance to invest, despite the fact that the mines had entered a new expansionary phase.¹⁰ Speculative capital was being exported and an overall lack of confidence in the country's economy and the government's policy sent prices tumbling across the board on the Johannesburg stock exchange. Borrowing abroad had been severely curtailed. Export prices - all but gold - fell by 46 per cent. The over-valuation of South Africa's currency against sterling priced the South African exporters first out of the preferential Dominion market and then the world market - agricultural and pastoral exports alone fell by 44 per cent. The future of South Africa's export industry was in jeopardy. More immediately, the personal debt and sufferings of many thousands were increased.

The political undercurrents generated by Hertzog's economic nationalism were important, for they alerted the government to the central importance of the mines in the national economy as a whole.

The depression compelled the government, however reluctantly, into

9 R L Ward, 'Are the mines overtaxed?', *SA Journal of Economics*, March 1936

10 Katzen demonstrates how, during an upswing in the economy in 1929, output increased but the working profit per ton decreased and profits in the gold mining industry remained static. 'Net investment in the period was negative and by 1929 the position of the low-grade ore mines in the industry had become serious. Three mines closed down in 1929 and of the 32 producing mines belonging to the Transvaal Chamber of Mines, 10 paid no dividends (only the Far East Rand mines fared better).' However, he continues, 'Gold output expanded more rapidly in the depression, with a large increase in the numbers employed and only a slight fall in costs. In other words, just prior to the depression marginal mines were in a critical position. But during the depression the gold mining industry entered an expansionary phase. This in turn acted as a stabiliser on the economy as a whole. It was this that characterised gold's anti-cyclical business phase.' See Katzen, pp 76-83. Also D Hobart Houghton, 'Economic development' in Wilson & Thompson, v 2, pp 32-35.

admitting that overseas vested interests and the influence of the business world could not be disregarded, an attitude that would merely cut off foreign investment. The investor was vividly real to the Low Grade Ore Commission appointed to investigate, amongst other matters, the closing down of three marginal mines in 1926, and the problems facing the owners of the new mines on the Far East Rand. They reported:

The uncertainty in regard to so vital a factor in the operations of the Industry as the Native labour supply has a most adverse effect on efforts to raise fresh capital for the establishment of those new mines which are so necessary to neutralise the progressive decrease in the scope of the Industry forecasted in the statement of the Government Mining Engineer.... 11

The Government Mining Engineer, Dr H Pirow, was not only worried about the enormous capital outlay (and hence foreign loans and investment) which would be needed to develop the recently discovered reefs on the Far East Rand. But, as he noted in his report of 1929,

a shortage of labour, whether skilled or unskilled, reacts unfavourably on the Mining Industry as on any other industry, but it may be desirable to point out that mining on narrow stope widths entails more handling of broken rock and requires a greater labour force, both skilled and unskilled. This is a factor which should be borne in mind with regard to the opening up of new areas on the Far East Rand, where this method of mining will undoubtedly have to be resorted to on a considerable scale. 12

Any further loss of investor confidence at that time would therefore have critically affected the new growth of the Far East Rand mines. Investor confidence, as the committee said, was intimately bound up with the availability of an adequate labour supply.

11 Report of the Low Grade Ore Commission, evidence of the Transvaal Chamber of Mines, statement 7, 'The provision of an adequate Native supply', para 34 (5), copy of typescript evidence to NEC 1930-1932

12 Report on the Far East Rand and features likely to affect the future of the Witwatersrand gold mining industry, May 1927, para 39. They also calculated that an inadequacy of unskilled native labour would lead to increased overhead costs, while at the same time make it impossible to achieve an output 'approximating to the maximum crushing capacity of the mines.' An adequate native supply on the other hand would have 'an effect similar to that of a fall of 2s. a ton in cost of production'. See Report on the Far East Rand, statement 1, para 18, copy of typescript evidence to NEC 1930-1932.

Mining economics and the labour shortage

The effects of a labour shortage on the mines have already been well detailed in both official sources and secondary works. Here we need only note some of the characteristics and adverse effects on the mining industry.

Most important was the sensitive and circumscribed cost structure of the gold mines. Profits on the mines were totally dependent on low production costs, both because the average gold content of the ore was low and because mining companies could not transfer any increase in working costs to the consumers (since the price of gold was fixed and controlled on the international market). In consequence, the most common way to keep costs down was through low wages. The Chamber of Mines felt their main task was to create and maintain a vast supply of cheap African labour.¹³

Questions debated over the years were whether the Chamber of Mines should have continued its cheap labour policy, and whether the government should have intervened to support it. For us here the point is that both the Chamber of Mines and the government agreed that the mines depended on a cheap labour policy. Labour legislation was therefore designed with this premise in mind. Also, the centrality of the gold mining industry made its continuing prosperity something that had to be catered for in shaping labour policy. The dependence of all other sectors on the profitability of the mines could not be ignored. These were the arguments most frequently used by the state to justify its intervention and support for the mines' cheap labour policy.¹⁴

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- 13 Eddie Webster, 'Background to the supply and control of labour in the gold mines', *SA Labour Bulletin*, v 1, 7, November-December 1974, p 5. For a detailed historical background of the labour shortage and the attendant cost structure problems see Van der Horst, and Wilson, *Labour...*
- 14 Successive governments, fearing any contraction in the mining industry for the South African economy as a whole, appointed several commissions to study the mines' wage policy. See *Report of the Low Grade Mines Commission 1919-1920 (Interim)*, UG 45-19, paras 41, 209-210; *Report of the Low Grade Mines Commission 1919-1920 (Final)*, UG 34-20, paras 127-137; *EWC report*, UG 14-26, para 58; *Report of the Low Grade Ore Commission*, UG 16-32, para 16; and *Report of the Inter-departmental Committee on the Labour Resources of the Union, 1930, An 89-1931*, paras 22-48. Of all these bodies, only the 1919 Commission and the Mining Industry Board (Solomon Commission) recommended revising the mines' wage policy towards greater efficiency and better pay.

In designing a labour policy it was not enough, therefore, to ensure the supply of workers. 'Cheapness' was equally important. Up to the mid-twenties the mines had very little competition from others and so the Chamber of Mines could keep wages very low indeed. As the EWC said in 1925: 'the exploitation of Native labour, in the sense of payment of a wage below the equilibrium level of competitive conditions, was a characteristic of the South African labour market.'¹⁵ Incredibly, despite the mines' continued ability to exploit labour, the EWC could still report that

the gold mining industry shows, a higher average level of wages both European and Native, than any other branch of economic activity of comparable importance. 16

One important reason for this was that the state used different devices to prevent the various industries from competing for labour,¹⁷ as the commissioner implied: 'the mines were able to prevent the native from receiving as favourable a rate of pay as the normal play of supply and demand would otherwise enable him to secure.'¹⁸

Sheila van der Horst considers other factors that enabled the mines to control the supply and demand. For example, the monopsonistic position of mines enables them 'to take advantage of the immobility of many natives, and use the recruiting system to offer less favourable terms of service.'¹⁹ The monopsonistic position held by the mines enabled them to perpetuate their cheap labour policy. They could do so in three ways, Webster explains:

the maximum average system (a collective agreement of the mining companies not to permit the average wages of the African workers to exceed a very low maximum rate); the recruiting monopoly over the recruitment of African labour, to prevent the competitive

15 Van der Horst, p 200; also the EWC report, UG 14-26, paras 58 and 243

16 UG 14-26, para 247

17 For example, the Native Labour Regulation Act 1911 which laid down specific areas (see p 238 below), repression of urban wages, and the myriad pass laws designed to regulate the flow of labour.

18 UG 14-26, paras 248-249

19 Sheila van der Horst explains: 'I use the term introduced by Mrs. Joan Robinson in her Economics of Imperfect Competition, and now generally adopted to describe a buyers' monopoly in order to distinguish it from a sellers' monopoly.' Van der Horst, p 200. This refers to the formation of the two recruiting organisations: the Native Recruiting Corporation (NRC), and the Witwatersrand Native Labour Association (WNLA). For details about them, see Van der Horst, p 164 ff, and Wilson, Labour..., p 5.

determination of African wage rates through a free relationship between supply and demand; and servile labour measures (such as the closed compound system, pass laws and severe provisions against breach of contract embodied in the Master and Servants' Act).

20

The use of indentured foreign labour also affected the whole cost structure of the mines by keeping wages low and making control over labour easier. On the latter, Wilson notes that indentured labour was favoured. The mines could use the threat of dismissal as a more powerful weapon than it would have been had the men been living permanently near the mines - in which case it would have been easier for them to find another job if they were dismissed. If workers proved troublesome, they could be sent home and replaced by others. And again, in the event of trouble on the mines, worker action could be contained by simply sealing off the mine compounds. These, among other points, led Wilson to conclude:

it does seem likely that the relative absence of strikes in the South African mining industry over the past century is not unconnected with the enormous power of control that the mines and also the police are able to exercise over the movement, assembly and general lives of the mineworkers.

21

Denied trade union rights, Africans remained in a weak bargaining position. William Ballinger gives an example of how this affected the mineworker:

He has little or no choice as to the nature of his employment. The wage schedule rates to which he contracts constitutes one of the most amazing documents as it is a medley of base and piece rates with diminishing remuneration for increased output. But the nature of his contract is very one sided and is all in favour of his employer, as are most contracts between native and European in South Africa.

22

Migrant labour, whether indentured or from local sources, was said to be the cheapest form of labour. The main reason for this was that workers were

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- 20 Webster, p 7. See also Van der Horst, chap 12, and F A Johnstone, Class, race and gold, chap 1. For arguments presented against increased remuneration see Witwatersrand Mine Natives' Wages Commission report, UG 22-44, paras 40-41; on effect on mines of increased expenditure see paras 325-440; on opposing view see Report of Low Grade Mines Commission (Final), UG 34-20, para 199 where higher wages leading to greater efficiency is discussed. For an invaluable up-to-date source, Wilson, Labour..., and Hobart Houghton & Dagut, v 3, pp 22-41. Here the sensitive cost structure of the mines needs to be understood, briefly referred to above on p 220.
- 21 F Wilson, 'International migration in Southern Africa', SA Labour and Development Research Unit (SALDRU), Working Paper 1, May 1976, p 23. For a detailed study of the compound system as a means of labour control see Charles van Onselen, Chibaro: African mine labour in Southern Rhodesia 1900-1933.
- 22 NEC 1930-1932, typescript evidence of W G Ballinger

remunerated on the basis of the requirements of one individual. Their families, so claimed exponents of the migrant labour system, were provided with at least a subsistence living by the tribal lands in the reserves.

The relationship between the situation in the reserves and the mines' labour supply was therefore not fortuitous. It has been shown that lands comprising 7 per cent of the whole country were scheduled in 1913. Outside these, purchases and leases of land by Africans were forbidden except by special permission. From the table showing population distribution²³ it will be seen that about 45 per cent of the African population had homes and residential rights of some kind in the reserves. The evidence shows that there was no prospect of any substantial proportion of the remaining 55 per cent getting rights in the reserves, until or unless the supplementary legislation releasing the extra lands was passed. By 1933 there still seemed little hope of this as the land and franchise questions remained interdependent and anyway most whites were still dead set against any proposal for releasing the promised land.

In addition, it is well to recall that even in the case of families who held arable land in the reserves, their holdings were restricted to a size that made it impossible for them to earn a living. The land policy, which the administration enforced, was that of one-man-one-lot - or as the NEC reported in 1932: 'in actual practice this means, with the scarcity of arable land . . . that individual holdings are three to five morgen in extent and sometimes even smaller.' According to the commission,

this involves the maintenance of a system which cannot continue except on a very low economic level. It confines the development of special gifts to individuals within very narrow bounds. . . . 24

Commenting later on the policy of survey and grant of individual titles, the commission stated:

But our chief criterion is that the holdings were not big enough to make agriculture a whole time job for those who had the energy, the desire, and the skill so to make it. . . . 25

It follows from these findings, which later commissions confirmed, that since the land policy pursued in the reserves inhibited any appreciable number of

23 See p 80 above, table 2.5.

24 NEC report, UG 22-32, para 146

25 *Ibid*, para 148

the peasantry making agriculture a 'whole time job', Africans were thrown back on having to labour for wages for at least part of the time. A population on the 'low economic level' referred to by the commission had obviously been prevented from accumulating capital. Wage labour therefore meant labour outside the reserves in areas where Africans were forbidden by law to own or lease land and could only occupy it in special townships and locations or other specially authorised accommodation (mine compounds, or as wage labourers on white farms). We must note too that this obligation to work for wages was imposed by law, since the law cut off all other sources of independent productive activity except to the extent described above.

It was on the basis of the flow of cheap labour thus artificially stimulated that the Witwatersrand gold mining industry established itself. A Chamber of Mines spokesman said that 'a fundamental factor in the economy of the Gold Mining Industry' was the 'ability of the mines to maintain their Native labour force by means of tribal Natives from the reserves at rates of pay which are adequate for this migratory class of Native but inadequate in practice for the detribalised urban Native.' The Lansdown Commission laid emphasis upon this evidence. 'In its evidence,' runs the report, 'the Chamber laid great stress on the fact that its policy was to employ cheap Native labour.' The policy was justified, the mines claimed from the outset, because skilled mineworkers were mainly immigrant whites whose scarcity value was reflected in high wages. Consequently, the only wages to economise on were those of the unskilled workers, and the cheapest labour was migrant labour.

The profitability of the industry was also constrained by the very low grade of ore on certain mines. In 1929 the viability of these low-grade mines was debated once more. On the labour shortage and its effects on these marginal mines, the Low Grade Ore Commission in their 1930 report stated:

Not only is the labour supply of the industry as a whole inadequate, but some of the low grade mines are working with an underground Native labour force equal to little more than half their requirements; their scale of operations is, therefore, greatly restricted, and their ability to make ends meet correspondingly diminished.

26

The Gold Producers' Committee estimated 'the disastrous effect on the operations of a mine of an inadequate Native labour supply' in the following chart:

Table 6.1 ESTIMATED EFFECT ON WORKING
OF A SHORTAGE OF AFRICAN LABOUR

27

African labour		Tonnage milled	Profit
Total at work	Percentage of requirements		
6 300	100	93 000	£ 21 354
5 650	90	80 000	14 460
5 150	82	70 000	9 215
4 650	74	60 000	3 970
4 150	66	50 000	1 275 (Loss)

Here we see that a reduction in the African labour force by one-third would reduce the tonnage milled from 93 000 tons a month to 50 000 tons a month, and the work would be done at a loss. With a full stock of labour, however, 93 000 tons could be milled, at a profit of £22 000 a month.

As the inter-departmental committee was anxious to point out:

The economic disadvantage to an industry like mining, with heavy overhead costs, which dependence on an irregular labour supply entails, is considerable, and for the reason that this is a serious and important aspect of national economy in South Africa, your Committee has deemed it advisable to lay some stress on this aspect of the question.

28

The Chamber of Mines made a further point. The shortage, according to them, arose out of the 'violent fluctuations in the supply from the British South African source'. To illustrate this point they submitted in evidence to the 1930 Low Grade Ore Commission the following statistics showing the monthly African labour strength over a period of four years:

27 These figures were quoted for the West Rand Consolidated Mines by the Transvaal Chamber of Mines, statement 7, UG 16-32, para 3.

28 Report of the Inter-departmental Committee on Labour Resources of the Union 1930, An 89-1931, para 57

Table 6.2 AFRICANS ON WITWATERSRAND GOLD MINES -
& 6.3 MONTHLY LABOUR STRENGTH AND SEASONAL FLUCTUATIONS

Total number employed

On last day of	1927	1928	1929	1930
January	179 784	193 063	192 526	190 663
February	183 971	197 340	196 150	196 752
March	186 975	199 489	197 646	200 134
April	187 981	199 820	197 412	202 434
May	187 209	198 461	195 733	202 182
June	185 637	197 186	192 595	201 324
July	183 702	194 584	190 031	201 111
August	184 379	194 788	190 062	202 257
September	186 413	194 936	190 567	-
October	188 025	193 147	180 739	-
November	188 879	190 870	186 941	-
December	188 516	187 970	184 280	-

Maximum and minimum employed (local workers)

Year	Maximum	Minimum	Difference
1923	113 464	96 712	16 752
1924	106 544	100 188	6 356
1925	110 048	89 311	20 737
1926	108 839	95 331	13 508
1927	109 159	95 895	13 264
1928	109 109	96 295	12 814
1929	111 565	100 462	11 103

29

On these figures the mines argued that the local labour supply was extremely uncertain, and they urged the government to lift the prohibition on recruiting labour north of latitude 22° S.³⁰

29 Low Grade Ore Commission, evidence of Transvaal Chamber of Mines, statement 7, UG 16-32, appendices A and B

30 Recruitment from the area north of Beit Bridge was stopped in 1913 because of the pneumonia death rate. This ban was lifted only in 1933.

Several other developments also gave the mineowners' demands a more immediate urgency during this period. In 1928 the Mozambique government cut down the number of workers allowed to contract with the mines. This reduction came just when the mines were set to expand. New reefs had been proved on the Far East Rand, and at the onset of the depression the mines moved into an anti-cyclical business phase which gave a new impetus to mines to increase their productivity.³¹

These factors taken together must also be seen against the background of an accelerated influx of Africans to the urban areas. That influx not only made an already chequered labour supply even more uncertain, but threatened to break down the whole migrant labour system. Here the failure to extend the segregation policy to the Cape is of special interest. These developments led the mines to demand radical reforms in the government's labour policy.

Causes of acute shortage 1924-1933

The Mozambique Convention in 1928 contributed to the start of a new labour crisis. Before the convention the gold and coal mines had been free to use up to 107 000 workers from Portuguese East Africa. This was to drop to a maximum of 80 000 by 1933, five years after the convention came into force.³² A second worrying clause was that the period of service of each migrant was to be limited to 18 calendar months at most. This, as the Gold Producers' Committee explained, 'entailed a reduction of about one-third in the average period of service of the Portuguese Natives employed on the gold and coal mines to 85 125 at the end of August 1930.'³³ This development was as serious as the reduction in numbers. In effect it disrupted a carefully constructed labour reservoir which the mines had used to draw upon during the seasonal and cyclical troughs created by the

31 For estimates on gold production see analysis by Dr Hans Pirow, Government Mining Engineer, Union year book 11, pp 1111-1112; for significance of the Far East Rand Mines see Report by Sir Robert Kotze, Government Mining Engineer, on the Far East Rand, UG 49-25, and see also Gregory, pp 493-505.

32 Low Grade Ore Commission, evidence of the Gold Producers' Committee, statement 7 on 'The provision of an adequate Native labour supply', UG 16-32, para 12 (a)

33 *Ibid*, para 13. Note that the figure is just over 15 000 less than the figure calculated under the progressive reduction scale under article 3 of the convention which stipulated that no more than 95 000 Portuguese Africans would be allowed to work on the mines in 1930. For progressive reduction totals see evidence in para 12 (a).

reluctance of local Africans to enter into contracts at busy farming times of year – mainly between August and December. The chairman of the Witwatersrand Native Labour Association (WNLA)³⁴ reported:

Since early 1929 the East Coast labour strength has progressively declined month by month, leaving only 77 500 natives in service at 31st March last. It is therefore doubtful whether upon the Association resuming operations at full pressure, the reservoir of natives that may have been brought about since November last will provide a sufficiency to meet the unceasing wastage and to rebuild the Portuguese native force to permitted numbers. Out of the 105 000 natives employed under the 1909 Convention at the time the new Convention was put into operation, viz., September, 1928, only 12 000 now remain. This small number will, I fear, rapidly dwindle away, thus eliminating a body of workers that throughout the many years has played a great part in stabilising the standing native labour force, especially during those frequent periods when there has been an acute shortage of labour offering for mine work from areas within British South Africa.

35

As well as ensuring the supply, a labour policy had to provide a reservoir. This, the mines believed, should be controlled so that it would disgorge into whichever sector needed labour most. The supply, moreover, should be continuously available so that the mines could draw from it when they had to. Here the Gold Producers' Committee argued:

The tribal Native is only available as a wage-labourer to the extent to which economic necessity forces him thereto, and at the present time this economic necessity is only active to a limited extent. In bad seasons it increases, in good seasons it diminishes. An industry like mining, which requires a steady flow of labourers, must, therefore, continue to be subject to the disturbing influence of this state of affairs, to the extent to which it continues to be dependent on a labour supply of this nature. The utilization of the labour offering in such a way as to reduce the harmful effect of the fluctuations to a minimum, must remain one of the important problems of mining economics.

36

As was shown earlier, the mines kept down the 'harmful effects' of an inadequate and fluctuating labour supply thanks to the progressive underdevelopment

34 WNLA was the only body allowed to recruit labour in Mozambique. For organisation and recruiting methods see Van der Horst, pp 191–197; also Wilson, *Labour...*, pp 4–5 and 127 ff, and 'International migration...'

35 UG 16–32, evidence of the Gold Producers' Committee, statement 7, para 77. See also *Transvaal Chamber of Mines annual report 1933*, pp 40–42 and 46.

36 UG 16–32, para 79, and table 6.2 above, p 226, for heavy fluctuations in the local labour supply

of the reserves.³⁷ Moreover, with the freezing of African land ownership in 1913, Africans were less and less able to resist participation in the wage economy - to a point where, despite what the mines said, migrant labour in South Africa had become the norm and short contractual periods the exception. This was the case even in areas least affected by capitalist intervention.³⁸

We have the story in trenchant detail from Macmillan whose researches were first published in 1930.³⁹ After Macmillan, Frankel added to it before the NEC in 1931:

Within the last few months, as we all know, the supply of native labour has for the first time supposedly been adequate; it has been adequate only because of the desperate plight of the Territories. And it will it seems to me in future be adequate only when the Territories are at their last gasp, and that is not a good foundation to build on ... by recognising that the foundation which the mines have grown up on cannot continue. It is very unfortunate they have grown up on the assumption of an unlimited, what they call adequate, supply of native labour. The whole organisation of the mines has contemplated an unlimited or as they say, adequate supply of native labour on the old terms.

Lucas: At very low wages?

Frankel: At very low wages. We have now come to the point that the number cannot be supplied, except so far as the Territories are at their last gasp and send more men out than is socially justifiable.

40

37 See pp87-88. Also M Legassick, 'Development and underdevelopment in South Africa', unpub seminar paper, Oxford University, 1971; Webster; Wolpe, 'Capitalism...' and 'The theory of international colonization: The South African case', ICS seminar papers, v 5, and N Bromberger, 'Economic growth and political change in South Africa' in A Leftwich (ed), South Africa: Economic growth and political change. See also UG 22-32, paras 68, 92, 342, 700 and addendum, para 216 where Lucas isolates many of the points made in these more recent writings.

38 UG 16-32, para 44. Francis Wilson writes: 'It is worth noting that in 1930 a study of black mineworkers from South Africa and the High Commission Territories found that their average length of service on the mines was 10.9 months. However close examination of the sample shows that it contained relatively few AVS men [non-recruited workers] whose average length of service was approximately 6.2 months. Yet during the early 1930s AVS men formed a large proportion (of the order of half) of the miners drawn from South Africa and the High Commission Territories. The sample drawn was unrepresentative because it drew only on men who were discharged in November, a time of year when most men choosing to work 6 months at the mines would already be back home for agricultural purposes. The decline of the AVS men is a pointer to the increasing pressure on land in the Bantustans.' 'International migration...', p 11. Also see UG 22-32, pp 212-213, and NRC annual reports.

39 Macmillan, Complex South Africa

40 NEC 1930-1932, oral evidence of S H Frankel, 13 May 1931

More men than ever before were being forced to seek employment in the wage sector and as Frankel confirms this was related directly to the utter impoverishment experienced by Africans in the reserves. Why then the continued labour shortage in the mines? Frankel suggests here that this shortage existed because Africans resisted mine employment at very low wages. Sheila van der Horst agrees and adds that 'shortage' as defined by the mines 'simply means at the prevailing price it would pay to employ more labour'.⁴¹

As the Mozambique maximum implied, the mines gauged their labour needs in surplus terms so as to ensure a steady flow of labourers. For the inter-departmental committee, the labour shortage was not simply a shortage in surplus terms. They refuted 'the common idea that there was a surplus of Native labour in the Union available for work on the mines and other industries.'⁴² There was a real shortage, they said, and one reason why the mines' supply was short was because men in the reserves (where most of the Union mineworkers came from) worked for only about a half of their time:

The Native ... works, intermittently, alternating a period of service with a stay at his kraal, resting and attending to necessary domestic and tribal affairs. His tribal habits and his concepts of what constitutes welfare and a good life make him only partially dependent on wages.

43

The reports of the Low Grade Mines Commission and the inter-departmental committee were tabled before the NEC findings refuting these assertions were published.⁴⁴ So, in 1931 these two earlier bodies fully supported the mines in saying that a labour crisis existed. They agreed with the mines, furthermore, that the main cause was the Africans' ability to resist employment through being able to survive on their own in the reserves, even if only at subsistence level.⁴⁵

41 Van der Horst, pp 201-203

42 Report of the Inter-departmental Committee on Labour Resources of the Union 1930, paras 79-80

43 Ibid

44 For forebodings of the inter-departmental committee vis-à-vis farm labour shortage: it was noted that the committee estimated that not only were the farmers short of labour but an extra 2 to 3 per cent would have to be budgeted for to meet the needs of the farmers in newly opened up areas. See above, pp 192-193.

45 It should be noted that the mines did not oppose the allocation of extra land for the resettlement of squatters from the white rural sector, but they opposed the granting of additional land to Africans already resident in the reserves if these grants enabled Africans to become independent peasant farmers. See above, chap 4.

Lastly, the inter-departmental committee said the labour shortage would actually get worse, African underemployment being what it was with both the reserve-Africans and the farm labourers having to work for only part of the time. As a result the local labour supply would be inadequate all round, not only for the mines.

The mines then summed up their position on labour:

There is not, indeed, sufficient Native labour available from the present sources of supply to meet the requirements of the Gold Mining Industry and the other industries of the country under normal circumstances. The Committee is convinced, not only from a study of the position, but mainly from the actual practical experience gained in its recruiting operations, that the supply obtainable by the gold mines from the Union and the Protectorates cannot, unless in most exceptional circumstances, provide more than 115 000 Natives in the early part of a favourable year, falling to about 100 000 at the end of that year. In other words, this supply, added to the Portuguese supply, must, even in a good year, still leave a deficiency ranging from 20 000 Natives at the period of the year when the influx is greatest, to 35 000 at the least favourable period, with an average deficiency of not less than 25 000 Natives. 46

As far as the mines and farms were concerned, the shortage existed because rural Africans were by-passing the primary sectors for better opportunities in the towns.⁴⁷ This interpretation was gaining currency at the time the NEC sat.⁴⁸ The committee chairman, Dr Holloway, suggested that influx control could be a solution not necessarily because Africans were rivalling white workers in the town, but because a case could be made out for 'directing labour into certain channels':

look at the position as it was five years ago certainly and practically it has continued up to the present day, with the intermission of a few months; that there has been an inadequate supply of Native labour, and a superfluous supply of white labour. Now, would not you think that it is an economically justifiable procedure to direct the thing so that the surplus on the one side should make up for the shortage on the other? 49

46 UG 16-32, para 20

47 NEC 1930-1932, oral evidence of H M Taberer, 5 May 1931, and Major H D Cooke, 4 May 1931

48 UG 22-32, paras 523-528 and A 289-292

49 NEC 1930-1932, oral evidence of Margaret Hodgson (later Ballinger), 18 May 1931. During the depression the mines' labour supply was boosted by the thousands laid off work to the extent that recruiting agents were asked to reduce their quota between November 1930 and February 1931. After this the mines again experienced a shortage. See H M Taberer's evidence to the NEC.

Margaret Hodgson⁵⁰ to whom these remarks were addressed countered: 'it sounds to me like a specious argument...'⁵¹ The labour shortage, according to her, centred on questions of supply and demand; poor conditions and the absence of means whereby African workers could combine to improve their conditions of service; the monopolistic behaviour of the mines; and the artificial restrictions imposed and sanctioned by the state to maintain a 'cheap, adequate, unskilled labour force'.⁵²

In evidence to the NEC, A W Champion,⁵³ a former president of the Transvaal African Mine Clerks' Association, reiterated most of the points made by Frankel and Hodgson and went on to say:

I wonder if the Commission have been struck with the absence of natives to come and give evidence from the industrial centres such as sugar plantations, farms and the Mining Industry? The Commission was appointed to ascertain the views of natives themselves. As far as I am aware nothing has been done to get in touch with the affected natives themselves. Before I was exiled I attempted to have the Commission meet the natives in a body - a request that was turned down by this Commission. 54

As a former employee of the mines from 1915 to 1925 he claimed 'to have unchallengeable experience of the mine Native's life'. His evidence most certainly provides insights into conditions of work which may have deterred many Africans from joining the mines. Champion challenged:

Even at this very late stage one would like to know whether no effort could be made to ascertain the views of the natives employed in the Mine compounds whose position is not far removed from that of a slave. These men have no choice as to what they must eat as to both quantity and quality. They have to sleep in the place allotted to them by native police boys in many cases not of their tribe. They have to get up at a certain hour in many compounds at the ... [of sjamboks] [sic]. 55

50 Better known as Margaret Ballinger

51 NEC 1930-1932, oral evidence of Margaret Hodgson, 18 May 1931

52 *Ibid*

53 NEC 1930-1932, typescript evidence of Allison Wessel George Champion, trade unionist, clerk at Crown Mines 1920-1925, president of the Native Mine Clerks' Association in 1928. He was second-in-command to Clements Kadalie. After the split in the ICU he formed the powerful ICU yase in Natal. He was banished from Natal after rioting in 1930. See also chap 8 below, p 307.

54 NEC 1930-1932, typescript evidence of A W G Champion

55 *Ibid*

An extract from Henri A Junod's book, The life of a South African tribe, sent to the commission depicts the seamy side of what mineworkers were exposed to in compounds – as he put it, 'fittingly spoken of, by a wise South African statesman, as the University of Crime'. He gave a detailed description of the 'unnatural vice' (bukhontshana)⁵⁶ which had 'become a regular institution in the Compounds', and explained its origins thus:

The cause of the evil is not difficult to detect; it is the segregation of the Native Miners in these enormous conglomerations of males, far from home, far from their wives, a most abnormal condition of life for men who have always enjoyed the freedom of the African bush. When prostitutes were allowed to live near the Compounds, unnatural vice was not so common; when they were driven out bukhotshana at once increased enormously, and thus the disappearance of one evil brought a new one in its train.

57

He made the startling disclosure:

I was told that it is severely prohibited by law and that any boy found guilty of bukhotshana is condemned to twelve months imprisonment. But it is extremely difficult to bring the evidence necessary for conviction. The indunas and native policemen enter into a conspiracy [sic] of silence, being themselves the first and greatest sinners in this respect.

58

Like so many others, he dwelt on the destruction of family life by the migrant labour system and pleaded:

The only conclusion I would offer on this painful subject is this. As white civilisation is responsible for the introduction and the frightful development of this vice amongst the Natives, the whites must not remain indifferent in the face of an inquiry which threatens the very life of the South African Tribe.

59

Contrary to official protestations, Africans were not simply by-passing the mines for better wages in the towns, for, as the evidence of these witnesses proclaims, life in the compound and the break in family life would have been enough reason to avoid mine work if a man could.

As far as the mines were concerned, the situation in the Cape presented even more serious difficulties.

56 NEC 1930-1932, typescript evidence of Henri A Junod, copy of extract from The life of a South African tribe, pp 492-493

57 Junod wrote: 'Unnatural vice (bukhotshana) has become a regular institution in the Compounds. The word nkhotshana seems to come from the Ngoni, a Zulu dialect spoken in the Limpopo plain. The nkhotshana is the boy used by another man to satisfy his lust, and the man is called his nuna, husband.' *Ibid.*

58 *Ibid*

59 *Ibid*

The accompanying chart shows that the Cape and Transkei had become the main suppliers of mine labour in the Union as a whole.

Table 6.4 AREA OF ORIGIN OF LABOUR SUPPLY

60

Territory	1922			1923			1924			1925		
	Mines & works	Other employ	Total	Mines & works	Other employ	Total	Mines & works	Other employ	Total	Mines & works	Other employ	Total
Union of South Africa												
Cape Province	74 443	9 508	83 951	76 510	9 851	86 361	76 709	9 262	85 971	70 074	9 917	79 991
Natal & Zululand	13 819	16 425	30 244	15 088	16 730	31 818	13 646	16 473	30 119	13 883	16 554	30 437
O F S	1 600	3 324	4 924	2 159	3 196	5 355	2 024	3 328	5 352	1 850	3 418	5 268
Transvaal	17 755	37 067	54 822	17 979	36 242	54 221	18 609	37 526	56 135	17 257	38 460	55 717
Total	107 617	66 324	173 941	111 736	66 019	177 755	110 988	66 589	177 577	103 064	68 349	171 413
Other British territories												
Basutoland	19 027	1 809	20 836	20 603	1 639	22 242	23 291	1 630	24 921	18 322	1 470	19 792
Bechuanaland Protectorate	3 319	907	4 226	3 775	961	4 736	3 038	985	4 023	2 770	1 050	3 820
Nyasaland Protectorate	582	949	1 531	523	884	1 407	563	967	1 530	728	991	1 719
Northern Rhodesia	72	148	220	86	117	203	82	158	240	102	165	267
Southern Rhodesia	307	1 561	1 868	271	1 338	1 609	308	1 782	2 090	369	2 413	2 782
Swaziland	6 447	387	6 834	5 396	440	5 836	4 979	514	5 493	5 643	563	6 206
Total	29 754	5 781	35 535	30 654	5 379	36 033	32 261	6 036	38 297	27 934	6 652	34 586
Portuguese territories												
East coast S of lat 22°	84 206	1 845	86 051	90 095	1 845	91 940	87 693	1 839	89 532	91 914	1 970	93 884
Tropicals N of lat 22°	310	27	337	329	69	398	226	21	247	204	16	220
Total	84 516	1 872	86 388	90 424	1 914	92 338	87 919	1 860	89 779	92 118	1 986	94 104
Unclassified	34	77	111	29	14	43	42	98	140	46	116	162
Grand total	221 921	74 054	295 975	232 843	73 326	306 169	231 210	74 583	305 793	223 162	77 103	300 265

Table 6.5 LABOUR ENGAGEMENT BY W N L A 1930

61

Territory	RECRUITED		NON-RECRUITED		Total
	by WNLA (12 month contract)	by NRC & certain mines	* from territories	** engaged by mines locally	
British					
Transvaal		8 123	7 452	4 599	20 174
Swaziland		5 268	817	347	6 432
Bechuanaland		5 601	515	395	6 511
Cape Province		42 478	45 905	10 413	98 796
Basutoland & OFS		20 403	10 724	4 803	35 930
Natal & Zululand		1 774	3 573	1 281	6 628
Other districts			78	85	163
Portuguese					
Mozambique S of lat 22°	50 682		402	5 174	56 258
Total	50 682	83 647	69 466	27 097	230 892

* Africans engaged on travelling passes from their homes

** Africans who transferred from other employment to that of the mines, or transferred from one mine to another

60 NAD report 1922-1926, UG 14-27, annexure D (adapted)

61 WNLA report, Board of Management, 29th ordinary general meeting, 27 April 1931

A comparison of recruitment from the various sources shows that from 1922 to 1925 there is a steady increase in recruitment from British South African sources, the Cape increase being the largest. Except for the period 1925-1929, when the mines experienced intense competition from secondary industry, recruitment from the Cape continued its upward trend. In 1922 Africans in mines and works totalled 74 443 out of 107 617. By 1930 this number had increased by over 20 000 to 98 796. These figures are even more significant when we remember that in 1906 the percentage of Africans recruited from the Cape was only 13.7 per cent of the total and by 1936 it had soared to 39.2 per cent - 11.7 per cent more than from Portuguese East Africa.⁶²

However, although the increase of Cape Africans relative to the other labour sources had steadily increased between 1922 and 1930, a comparison of the Cape figures alone through the years tells a very different story. The figures for the years 1926-1929 are not included on the chart, but according to table 8 in *Labour in the South African gold mines* by Francis Wilson, between 1916 and 1926 recruitment in the Cape dropped from 33.0 to 29.8 per cent. From 1924 to 1925 alone a drop of over six and a half thousand was recorded.⁶³

These figures confirm what the mines said at the time: that Africans in increasing numbers were by-passing the mines to seek other jobs in the towns. In fact, the mines were so concerned about it that soon after the new Mozambique Convention of 1928, the Chamber of Mines met with representatives of the Transkeian and Pondoland General Council to find out why the Africans were avoiding the mines. The hope was to redress any grievances and so win back the supply.

The minutes of this meeting not only confirm and explain why many Africans were avoiding mine work. They also show how little control the state had then over Africans living in the Cape reserves and how easy it was for these Africans to evade the travelling pass restrictions (which were applicable in the Transkei but not in the Ciskei), as this extract makes plain:

62 See table 6.4 for the geographical distribution of the main sources of the mines' labour supply. See also Wilson, *Labour...*, p 70 for figures on where the Chamber of Mines got its labour for the years 1896-1969. This chart also shows that, in 1906, 8 per cent of the Chamber's labour supply stemmed from north of latitude 22° S.

63 Wilson, *Labour...*, p 70, and table 6.4 above.

Commenting on the Travelling Pass System Councillor Sakwe said it was a tiresome thing and asked the Government to abolish it. He pointed out the many ways in which the Travelling Pass System was vexatious and irritating, and said that rather than submit to the irksome procedure many natives preferred to seek work at the Coast Towns. It was pointed out that Natives were required to obtain travelling passes only when they were proceeding to work outside the Cape Province, and that within that Province they were free to travel without any such restriction....

The Chairman (Major H S Cooke, Director of Labour) said that this matter was one with which the mining industry was unable to deal. The government was, however, at present considering the amendment of the pass Regulations and was in possession of all the facts of the case....

Councillor Sakwe referred to the Chairman's remark that the Pass System was not one with which the Mining Industry could deal, or with which the present Conference was really concerned. He said the question was of vital importance to Natives who desired to proceed to labour centres, and he explained at considerable length the difficulties, inconveniences and trouble occasioned to Natives by the present system....

Mr Young (Assistant Chief Magistrate, Transkeian Territories) supported Councillor Sakwe's remarks on this point. He explained that in many districts travelling passes were issued by the Police, at stations often considerable distances from the Magistracies, subjecting the Natives to many difficulties and hindrances which might easily be avoided....

Mr Thompson (District Superintendent, NRC, Umtata) referred to the ease with which Natives could leave the territories to seek employment in the Cape or Natal Provinces and said that the pass system as it at present operates was a clear hindrance to the flow of Native labour from the territories to the Gold Mines....

The Chairman said that while he had no wish to stifle discussion he was assured that all the facts of the case were perfectly well known to the Government. He thought it might be accepted without further discussion that the conference agreed to the principle that if greater facilities were provided for the more prompt and speedy issue of travelling passes to Natives in the Transkeian and Pondoland territories the Native supply of the Mines might in some measure be stimulated. He believed that it was the intention of the Government to afford even greater facilities than those which had been proposed by the Delegates.... It was not necessary that this matter should be brought before Parliament, and as soon as the regulations were finally drafted and approved the machinery of the Native Administration Act could be employed to give immediate effect to them. 64

Hence, despite a highly sophisticated and regulated recruitment system and the state's support and promotion of their cheap labour policy, the mines

64 Report of a conference between representatives of the Union government, the Transvaal Chamber of Mines and the Transkeian territories and Pondoland General Councils, NEC typescript 385. The conference was held in the Chamber of Mines Building, Johannesburg, on Friday, 30 November 1928.

still could not secure their full complement of labour. The situation, according to official estimates, had reached a new crisis point. It was brought to a head by the drop in numbers from the Cape and the simultaneous reduction in the Portuguese supply in terms of the 1928 convention. This meant that the mines' two major sources of supply were being severely threatened. Despite urgent pleas from the mines, the government also refused to lift the ban on recruitment north of latitude 22° S until 1933. This new area had become all the more vital because after 1928 Portuguese Africans not employed on the mines of the Transvaal were regarded as prohibited immigrants. Both the Natal collieries and the Natal sugar plantations were hit by this ruling, for neither could get permission to recruit African labour from Portuguese territory. The farmers' supply had thus also been prejudiced by the 1928 convention.⁶⁵

Conflicting interests – mines and farms

It will be remembered that during the labour crises of 1903 and 1908, the farmers demanded that a strong line be taken on squatting. Mining capital – still influential in Whitehall – successfully fought the anti-squatting measures which favoured the farmers at their expense.⁶⁶ The first Botha government also realised that a policy of enforced labour tenancy, demanded by the farmers and supported by Hertzog and party dissidents,⁶⁷ would be disastrous for the mines. Sauer's pre-emptive move whereby provision was made for setting aside extra land so that squatters could be settled in the reserves was one way of ensuring the mines' labour supply would not be disrupted. This prevented the farmers – so it was argued – from regaining their former monopoly over the Union's labour supply in all provinces except the OFS.

It is interesting to note that in May 1913, a month before the Land Act was passed, the mines were paralysed by a general strike. This, in addition to

65 See Van der Horst, p 197; also NEC 1930–1932, evidence of H Taberer, and the Report on native labour in Zululand, Transkei etc, para 48 quoted in Van der Horst, p 197.

66 See chap 4 above, p 156.

67 The 1913 embargo, in addition to labour unrest and strikes in that year, had brought the labour crisis to a head. But it must also be remembered that a crisis had been reached between General Hertzog and General Botha, the latter possibly fearing that the new National Party under Hertzog would use the labour question to further erode SAP support. For further analysis of motives behind the 1913 Natives' Land Act see chap 4 above.

the government's decision in 1913 to place an official embargo on the recruitment of labour north of 22° S, brought the labour crisis to a peak – for the embargo meant that the 8 per cent formerly indentured from tropical Africa would have to be made up by recruiting locally.⁶⁸ This could have been one of the reasons why Botha put pressure on Sauer to pilot the Land Bill through Parliament.⁶⁹ A labour conflict between mines and farms could not be tolerated within the party just then.

Initially, however, Botha tried to reconcile the demands of the mines and farms through the Native Labour Regulation Act of 1911. This Act empowered the government to make orders for the regulation of labour.⁷⁰ It was the first post-Union attempt to regulate the supply so as to overcome the conflict of interests between mine and farm. In effect it controlled the recruiting system, the Director of Native Labour having the power to declare any district 'closed' if the local supply of labour was being drawn away badly enough to prejudice the local demand. We have seen already that the farmers had the initiative in demanding labour since the rule-of-thumb apparently was to allow local employers their usual labour force at the usual price. Since the recruiting agents tended to create a freer economic market for labour, and for its price, farmers went on demanding that the Director of Labour declare an increasing number of districts 'closed' to those recruiters for the mines. Originally the NRC, established a year after the Regulation Act in 1912, could appoint agents for the mines, but only in specified areas.⁷¹ To protect the farmers' needs, no mine labour agent could recruit outside those areas. So from the outset the mines' sphere of influence over local supplies was limited. This, together with the land restrictions and labour tenancy licences, shows that the Botha ministry was not indifferent to the farmers' demands.

The SAP under Smuts continued this compromise policy. The decision to sanction administrative action allowing Africans to buy land in the committee areas⁷² was perhaps also a concession to the mines: for only by accommodating landless Africans in the reserves could the migrant labour system continue. There

68 See p 235.

69 This assumption is suggested by the evidence. A more detailed investigation of the evidence is required to substantiate it.

70 See p 239.

71 For details of labour districts see appendix C.2.

72 That is, the areas recommended by both the Beaumont Commission and the local land committees. See above, n 2.75.

is little doubt, moreover, that the farmers blocked this move.⁷³ The 1923 Natives' (Urban Areas) Act, which was intended in part to prevent farm employees and mineworkers from being employed in the towns while still under contract, was a partial solution to meet the demands of the primary sectors for measures to prevent African ingress to the towns. As will be shown later, registration of contracts under this Act applied only to Africans who came under the Master and Servants' Laws and the 1911 Native Labour Regulation Act – and then only in urban areas proclaimed under the Act. Its effect therefore was negligible, and Africans from the reserves and the uncontrolled squatting areas who were not under contract continued to stream unhindered into the towns.

This African move from mining and farming to commerce and industry was closely linked with another and far more serious development – the breakdown of the migrant labour system. As the NEC reported in 1932:

an increase in the numbers in the Reserves unaccompanied by any more than a slow improvement in agricultural methods, but accompanied by a rise in wants, brought even greater pressure to bear on the tribal Natives....

They come into towns in their thousands to supplement the living which they obtain from their tribal lands or from labour tenancy on the farms. They create a plentiful labour supply for urban occupations other than mining.

74

The impoverishment of the reserves and the shortage of land, they asserted, were the two factors responsible for the accelerated migration of Africans from the reserves to the towns.

In the last chapter we saw that Hertzog rejected this view in 1926.⁷⁵ He did this on two counts. Firstly, he opposed Sauer's squatter resettlement plan, which laid down that extra land would have to be provided before the government took steps to remove squatters who had been declared illegal residents in the white sector under the 1913 Land Act. Under his legislative programme Hertzog proposed instead that the problem of 'illegal' squatting could be solved simply by phasing out hiring and leasing agreements between Africans and whites in the 'non-native' sector. Those squatters who agreed to terminate these contracts by agreeing to a labour service contract with a white farmer would be allowed to

73 For farmers' attitude to administrative dispensation see analysis on pp 80–82. On the dropping of the administrative dispensation see p 209.

74 UG 22–32, paras 532 and 544. For discussion on influx control, see chap 8.

75 See p 198 ff.

stay in the white sector. Those who rejected these terms would eventually through prohibitive licences be taxed out of existence. At which time they would be forced willy-nilly to accept farm employment, the reserves being congested and the towns closed to rural expatriots who could not first prove bona fide employment for at least 180 days on a farm.⁷⁶ In supporting the farmers' demands like this, Hertzog showed he had abandoned the idea of segregating Africans and whites residentially. Or as Jabavu wrote:

The proximity to the Europeans of the Bantu with their cheap unskilled labour is a sine qua non throughout the Union. It goes without saying that the most rabid segregationist does not want the African to be too far away from him for this purpose. 77

From what we have seen of Hertzog's legislative programme, this was certainly true.

It was not only Hertzog's revised plans for squatters that made him decide against any immediate extension of the reserves. Like countless others,⁷⁸ he still believed that the reserve Africans had enough land for their subsistence needs. As late as 1930 the inter-departmental committee argued:

The Native ... works, intermittently, alternating a period of service with a stay at his kraal, resting and attending to necessary domestic and tribal affairs. His tribal habits and his conception of what constitutes welfare and a good life make him only partially dependent on wages. 79

Thus, although they refuted 'the common idea that there was a surplus of Native labour in the Union' available for work on the mines and other industries, the committee said this was because men in the reserves (whence most mineworkers came) worked for only about one-half of their time. With less land, Africans would be forced to contract to work for longer periods.

In short, prior to 1932 the argument that extra land was essential to prevent the breakdown of the migrant labour system was rejected by the policymakers. Even the mines, it could be argued, were not concerned to extend the reserves so as to provide more land for the Africans already there. Their main goal in supporting Sauer's squatter resettlement plan was apparently to ensure that the mines, not the farms, would eventually draw on the squatter labour pool. But this could only be

76 See chap 5, p 208.

77 Jabavu, The segregation fallacy, p 10

78 See chap 2, p 84 ff.

79 Report of the Inter-departmental Committee on the Labour Resources of the Union, 1930, An 89-1931, paras 79-80

done really once the squatters were removed from the white sector to the reserves where they would have a safe foothold on the land – a necessary point if the migrant labour system was to keep going.

In fact, by the 1920s the land restrictions had succeeded beyond their creators' hopes. The stream of workers from the reserves was not only constant but growing. What the legislators had not bargained for, though, was the simultaneous migration of wives and other people to the towns.⁸⁰ They had expected to continue the pattern of the earlier days when a man contracted to work for a limited time simply to supplement his income derived from the land. Permanent family moves were a new and unwelcome feature. Sheila van der Horst noted of the early migration patterns:

The first large-scale employers of labour, the mining companies, provided accommodation for their labour force but, where Africans were concerned, for men only. In the early years of mining when men went out to work for a few months at a time, it was doubtful whether many would have wanted to take their wives and families even if there had been accommodation. Some women did accompany their menfolk to the towns, and at the time of Union there were some half million Africans in the urban areas of whom less than a fifth were women.

81

Within a decade the number had risen to 147 000 women, and by 1936 they numbered 357 000. Lucas explained this rise thus:

With the pressure of money taxation and of the steadily growing impoverishment among the Natives the migration from the Reserves to European areas increased. The attractions of town life as well as the poverty met with there, kept more and more of the Natives who had migrated to the towns from returning home. Women followed the men and a permanent Native population became established in European areas. The stages of this process may be very clearly seen in the history of Capetown in the past forty years.

82

Originally the idea had been to force labour out of the reserves. But in the 1920s and 1930s it changed to regulating their exodus and ensuring that people returned, for by definition permanent migration to towns would destroy the migrant labour system.⁸³

80 For details of African urbanisation see table 8.3.

81 S T van der Horst, *The economic implications of political democracy*, p 14

82 UG 22-32, para 216

83 See chap 8

The dangers of permanent migration must have been clear at the time, for it was this aspect of labour that loomed so large in Hertzog's revised 'native policy' in the early 1930s.⁸⁴ Yet even then there seemed to be no objection to men going to the towns. The farmers actually approved, as this was a necessary corollary to their 'cheap labour' policy.⁸⁵

The mines were far from satisfied. They were far more concerned to have African influx to the towns checked, as the only way to prevent the migrant labour system being undermined any further. They also insisted that if inter-sector bargaining for African labour forced wages up, the low-grade mines would be jeopardised and the whole national economy would suffer. State intervention, they insisted, was the only sure way to guarantee that the primary needs of the mines would be met.

The mineowners' concern is understandable if one looks at the labour they could draw on then. As we have seen, Africans in the white rural farming areas were to be virtually pegged for at least six months for the exclusive use of farmers under the 1932 Native Service Contract Act. This measure, although passed in 1932, had been tabled as early as 1929. The mines who had increased their contractual period of service to 270 shifts - nine months - would therefore lose this source.

Thus with the Portuguese supply cut back in 1928 the mines really only had the reserves to rely on for their labour. Their estimates for 1930 showed that already they were 30 000 men short at the height of the season.⁸⁶ How was this shortfall to be met?

Hertzog's policy plan for the mines

Inevitably the miners' demands focussed on the reserves. The problem could be solved in two ways, they claimed. By revising the reserve boundaries the squatters already on the released lands to be included in the reserves would fall under the same system of control and administration as reserve Africans were already - that is, they would be considered part of the mines' migrant labour supply and be outside the control system regulating the farmers' labour supply.

84 See the NEC's terms of reference.

85 See chap 5, pp 186 and 196.

86 See above, p 231.

The second method would be to extend land segregation, with all its various restrictive implications, to the Cape.

Hertzog rejected the first solution, but his administrative policy under the 1927 Native Administration Act and its Amendment in 1929 shows he partly met the mines' demands as to Africans in the reserves, including those in the Cape.

Under the 1927 Native Administration Act, Africans in the reserves had been brought under closer control, as the Act empowered the Governor-General to rule by proclamation there. The Act also allowed new pass areas and new pass laws by proclamation in certain districts. In the reserve the idea was to channel labour from there to the primary sectors by assuring travelling passes to African workseekers at their point of departure. These were to specify the labour area they could go to.

The measures had failed for two reasons. With the failure to implement the proposed supplementary land legislation to the 1913 Natives' Land Act, 50 per cent of Africans in rural areas were still living on land outside the reserves. In other words, Africans classed as squatters living in the white rural sector on unoccupied white-owned land, for instance (until the 1932 Native Service Contract Act was passed) continued to reside in what were virtually 'uncontrolled' areas from an administrative point of view.⁸⁷

One remembers also that many of the problems experienced by the NAD in connection with the administration of areas stemmed from failure to pass the supplementary land legislation which would have added the 'released' areas to those scheduled in 1913. The extension of the system of legislation by proclamation had to be dropped because the status of certain areas occupied or acquired by Africans had still not been legally defined as scheduled areas. When the schedule to the 1917 Native Administration Bill was withdrawn, so were the administrative clauses applicable to 'native areas' alone.⁸⁸

Undaunted by this problem, the Hertzog government reinstated legislation by proclamation in the 1927 Native Administration Act. As they were soon to discover, however, the administrative controls under the 1927 Act could still be applied only to Africans residing in the scheduled reserves. The two million in the 'non-native' areas fell outside the 1927 Act's controls. The 1929 Amendment

87 See pp 121-123.

88 See p 110.

to this Act tried to rectify the position.

Under section 28 (1) of the 1929 Amendment the Governor-General-in-Council could by proclamation declare pass areas where Africans had to carry passes; make rules to control and prohibit any movement of Africans into, within or from these proclaimed areas; and repeal any or all of the laws relating to the carrying of passes. The government overcame the problem of undefined scheduled areas by inserting a clause specifying that 'no area included in the schedule to the Natives' Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, shall be included'. In other words, section 28 (1) was to apply only to the control of Africans living outside scheduled 'native areas' - that is, the whole of the Cape, where Africans were living in peri-urban villages, townships and private locations or squatter areas as locations were more commonly known. In this way the 1929 Amendment obviated any legal difficulty tying the administrative procedure to the 1913 Land Act.

The government's administrative power was thus greatly increased under the 1927 Act. This Act gave the Governor-General unlimited power over every aspect of an African's life if he resided in a 'native area'. Now the NAD as the authority nominated by the Governor-General-in-Council could extend its control by proclamation to every single African in the areas that did not fall under municipal authorities. Even the fact that the Governor-General was still not considered the Supreme Chief in the Cape was thus overcome by the delegation of the Supreme Chief's authority to the NAD.⁸⁹

But even these laws proved largely ineffectual, as Sheila van der Horst reported:

In practice it has been found difficult both to limit the entry of Natives into urban areas and to enforce the removal of unemployed Natives. During the depression officials in the Native Territories were asked not to grant permits to Natives wanting to come to Cape Town to look for work, but it was found that they soon learnt to ask for permits to other districts, and once they were outside the Territories their movements were no longer subject to control.

90

89 See pp 116-121 above for power of the Governor-General under the South Africa Act 1909 and the 1927 Act which made it possible to include the Cape.

90 S T van der Horst, 'Some effects of industrial legislation on the market for negative native labour in South Africa', SA Journal of Economics, v 3, 4, December 1935, p 498

It was one thing to legislate for greater control, but the government lacked both the machinery and the personnel to see the law implemented effectively. We have already discussed the decision to reinstate tribal authorities to help the government carry out its administrative policy. There is little doubt that the difficulties of controlling African influx from the reserves was an important factor behind the state's decision to refurbish the chiefs' traditional position. But this system would take many years to get going properly.

Government failure to check the flow of labour to the towns was one of the main reasons for appointing the NEC. The government was finally beginning to see that a successful labour policy vis-à-vis the mines and farms could not be designed without first considering how to link it with the policy for the urban areas. When the 1929 Administration Amendment Act was passed, the way to link the two was still open to question. Anderson, a member of the NEC, demonstrated this by arguing that the farmers were not necessarily the prime movers for laws barring Africans from the towns. Edgar Brookes disagreed, arguing:

I gather the effect is making itself felt already, that a Commission like this is appointed, and the Minister definitely lays down the question of the influx of natives into the towns as being an urgent question on which to report. I take it there must be some effect felt.

91

Then Lucas suggested that the Minister instead could have wanted to study the problem for urban authorities - rather than for the mines and farms - should influx control be introduced. Brookes continued to insist that the demand for influx control measures originated primarily with the farmers:

Edgar Brookes ... for example here in the Transvaal we have one of the leading officials of the Transvaal Agricultural Union conducting a campaign for the elimination of native domestic servants in the towns; in order to get cheaper labour on the farms.

Lucas But even then it may be a question as to whether there really is not on the farms now quite an adequate supply, merely that it is not well distributed?

Brookes Yes, granted. But the point is, if the natural process continues, and wages rise in the towns ... I don't say it is the ideal method, but I mean it would be sufficient, although it would be very slow, if nothing were done to further protect the farmer beyond what he now has. The grave danger I foresee is, if this begins to make itself felt, panic legislation to try and restrict the native from coming into the towns, whatever the motive may be, and thereby artificially maintaining a low standard of wages.

92

91 NEC 1930-1932, oral evidence of E Brookes, 14 May 1931

92 *Ibid*

We have seen that inter-sector competition was a threat to the farm labour supply, and the 1932 Service Contract Act was passed to prevent squatters evading farm employment. But when Brookes gave his evidence in 1931, this Act was not yet through. Brookes and Lucas were both raising pivotal issues, central to the investigations of the NEC.

Under the terms of reference the Minister had laid down that the commission should consider the whole question of limiting the number of Africans in urban areas and that the inquiry should cover

The economic and social effect upon the European and Coloured population of the Union of the residence of Natives in urban areas and the measures, if any, to be adopted to deal with surplus Natives in, and to prevent the increasing migration of Natives to, such areas. 93

So whites (and white workers) in the towns were also an integral part of this inquiry. The interrelationship between the position of poor whites in the towns and the motives behind such an inquiry were made clear in an exchange between Margaret Hodgson and the commissioners. The chairman, Dr Holloway, referring to Margaret Hodgson's written evidence, asked:

Now, on the next page you say, 'European South Africa has brought the Native into its economic system by every means in its power. It now wishes to push him out again, because he has become inconvenient to the very interests which he has hitherto subserved'. Do you think that is a statement of fact?

Hodgson Well, is that not the implication of the White labour policy; an implication of the White labour policy, that it is necessary to maintain the efficiency of the European population; that a good deal of the sphere of labour which has been occupied by the Native should be redeemed for the European both in status and material standards; that means that the Native has to be put out. The whole implication of the White labour policy is to put the Native out and to put the European in. 94

Thus by 1930 when the NEC was appointed there was every indication that the state had finally realised that a solution to the labour problem (including the problem of surplus whites in the towns) was linked to the accelerated influx of Africans from the reserves. But this realisation became important only after the NEC report was tabled in 1932. Let us now see how Hertzog coped with the poor white problem and his urban areas policy before that date.

93 UG 22-32, p 1 under terms of reference

94 NEC 1930-1932, oral evidence of Margaret Hodgson, 18 May 1931

7 POOR WHITES AND
WHITE WORKERS' DEMANDS

Nature and origin of the poor white problem

Poor whites in the towns

A 'civilised labour' policy

Expensive white labour : employer resistance

Conservative trade unionism undermined by the state

Greater state control

Poor whites and poor blacks

By the logic of facts the segregationists were being forced to abandon the plan of isolating Africans from the general economic life of the community. Still, the segregationist creed demanded at least that those Africans unavoidably drawn into the white economy would not rise in it. The legislative and traditional restrictions for keeping Africans at an inferior, untrained and ill-paid level would remain. Only thus could the 'standard of white civilisation' be protected.

Nature and origin of the poor white problem¹

Two foreseeable but politically unacceptable developments for those wishing to maintain the traditional master-servant relationship foiled the idea. As the white population grew, more and more whites wanted jobs, and often without any great skill or ability to offer. This labour in most cases was simply the usual outcome of a rural people shifting under the impetus of industrialisation. In homogenous countries it would have found an opening in the unskilled and semi-skilled levels of expanding industry, but South African industry had shown little sign of grading the original steep slope between unskilled and skilled labour, the job-stratifying typical of modern industry elsewhere. The whites who could not qualify as skilled workers therefore had no alternative but to compete with Africans on the lowest levels of the labour market, and for work paid at rates far below the cost of any white standard of living, however simple. As the Industrial Legislation Commission explained:

1 The discussion in this section is based mainly on a study of the evidence of the Report of the Carnegie Commission on the Investigation of the Poor White Question in South Africa (Carnegie Commission) – part 1 J F W Grosskopf, economic report, Rural impoverishment and rural exodus; part 2 R W Wilcocks, psychological report, The poor white; part 3 E G Malherbe, educational report, Education and the poor white; part 4 W A Murray, health report, Health factors in the poor white problem; part 5 J R Albertyn & M E Rothmann, sociological report, (a) The poor white in society, and (b) The mother and daughter in the poor white family. See also S H Frankel & E H Brookes, 'Problems of economic inequality: The poor white and the native' in Brookes *et al*, pp 129–183 (it should be noted that this essay was submitted by these writers in the same form as evidence to the NEC); Report of the Transvaal Indigency Commission 1906–1908, TG 13–08; Report of the EWC 1925, UG 14–26; Report of the Industrial Legislation Commission, UG 37–35; Macmillan, The South African agrarian problem . . . , Land, labour and unemployment, and Complex South Africa; T F Cronje, Die armblanke probleem in die Transvaal; and R A Lewis, 'A study of some aspects of the poor white problem in South Africa', unpub research essay presented in partial fulfilment for the MA degree, Rhodes University, 1973. Lewis's section on 'Rural exodus' (based mainly on unpublished material) and the comparative analysis of the solutions offered by different commissions over the years cover new ground and are invaluable.

European labour, once a great scarcity, is now available in increased numbers in urban areas. Moreover, these increased numbers do not consist of artisans and capable managers and supervisors only, but of every grade of labour. The labour situation has accordingly undergone a radical change. In every race, the existence of grades of labour and of difference of ability must be admitted. The same applies to the Europeans in South Africa. While some are 'born' craftsmen and men capable of leading others, many are only capable of being led and of doing manual labour, which, until comparatively recently, was a monopoly of the non-European and, indeed, was commonly referred to as 'Kaffir work'. Europeans in increasing numbers are, therefore, entering the ranks of unskilled labour in the towns where they have to compete with growing numbers of non-Europeans.

2

On the poor whites' prejudice against 'kaffir work', Wilcocks who drew up the psychological report for the Carnegie Commission saw this as an inevitable outcome of the 'radical changes' in the relationship between Africans and impoverished whites. Originally, he wrote, this relationship

had been that of masters to servants, but the two sections now became competitors, especially in the field of unskilled labour.

3

Wilcocks claimed that allowing Africans and whites to compete with each other reinforced white racial prejudice. This prejudice extended to the field of manual work. As he explained:

Should an impoverished European who is strongly imbued with the prejudice against kaffir work be obliged by sheer necessity to undertake it, he considers he is being degraded to the level of the native. At the same time he is convinced that he is the native's superior, and that he should be treated accordingly. . . . As this type of poor white finds himself sinking in the economic scale, he becomes more and more aware of the need of asserting his superiority over the native.

4

On the poor whites' attitude to Africans being accorded the same opportunities as them, Wilcocks found that if

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- 2 Report of the Industrial Legislation Commission, UG 37-35, para 10. See also Report of the Transvaal Indigency Commission, TG 13-08, paras 46-50 where they state, '... The white man's prejudice against 'Kaffir' work, his inefficiency as an unskilled labourer and the higher wage he requires, have had the natural results that coloured labour, inefficient though it is, is cheaper to the employer for unskilled work than white labour'. The EWC drew attention to this comment. In their view the prejudice against 'kaffir work' had become less pronounced by 1925, but they believed inter-racial competition had intensified as a result - UG 14-26, p 107. Wilcocks' findings in the Carnegie report, however, confirm the findings of the 1908 commission.
- 3 Carnegie Commission, part 2, pp 56-57
- 4 *ibid*, p 56

the poor white be beaten in the competition for work, he is far from taking this as proof that the native has become his superior, or even his equal. On the contrary, he views the outcome as a further injustice which the European government of the country should not permit. 5

In this way, ordinary unskilled work had become 'kaffir work' in South Africa - work carrying a moral stigma, earning only 'kaffir pay', a rate fixed by the low level of African spending and the livelihood allegedly available to many African workers through having a family home on the land. The result was that the differentiation of the white population was not really into skilled and unskilled, but into skilled and poor white.

C W de Kiewiet suggests further reasons for the start of poor whiteism:

Most of them went to the towns for the same reason that water flows uphill when driven by machinery. Drought and fences, the devastation of the Boer War and the collapse of the ostrich feather industry at the outbreak of the Great War, inefficiency and bankruptcy... A large proportion were defeated men, unable to maintain their hold on the land, destitute in both wealth and energy, drawn into an unfamiliar world of reluctant opportunities and depressed wages. 6

Want of proper education was also stressed by various commissions. Industrial skills amongst poor whites were lacking, according to the Carnegie commissioners, because there was 'a certain stigma attached to these schools which made parents reluctant to send their children to them.'⁷ Education for girls was considered unnecessary in many poor white homes, and this deprived a destitute family of extra breadwinners. The negative attitude of poor white families towards education is reviewed by Lewis. The effect of this attitude towards education was reflected in the low school attendance figures at the turn of the century, and this, Lewis recalls, caused J W Sauer to remark that in 1896 there were more non-white than white children at school in the Cape.⁸

The effects of poor education were far-reaching - bad farming methods forced many off the land. As failed farmers without any skill or training, few

5 *Ibid*, p 57

6 De Kiewiet, p 196. See also *Carnegie Commission*, part 1, chap 2.

7 The application of the Childrens' Protection Act associates these schools with criminal tendencies and mental deficiency, *Joint report of the Carnegie Commission*, p ix.

8 *House of Assembly Debates*, 1896, Third session of the Ninth Parliament, p 400, and Lewis, p 15. In chap 1 it was shown that whites in the 1920s still feared that educated African children would outnumber whites. Afrikaans officially supplanted Dutch as the medium of instruction in schools only in 1925 - this did not help matters either.

Frankel concludes:

Thus it was that those landless Europeans became at last what they were treated as – Poor Whites: regarded as little more fit economically than that other section of the South African economy from which the opportunity for economic improvement was withheld by the same system. 13

In some ways the poor whites were even more exploitable than their African counterparts. This De Kiewiet stresses in his description of what is perhaps the crux of the poor white problem:

In the towns as upon the land they were caught between the upper and nether millstones of two classes. In the country they had been extruded from the ranks of the landowning and prosperous farmers; in the town they could not enter the ranks of the skilled and well-paid workers, for they had no skill of their own. In the country the system of cheap and tractable native labour gave them no chance of becoming a useful race of rural labourers; in the town the same natives obstructed the absorption of the poor whites in the ranks of unskilled labour. 14

Poor whites were not only to be found in the towns. The Carnegie commissioners used the term 'to denote principally the economic and social retrogression of a considerable part of the white rural (or originally rural) population of our country'.¹⁵ Included under this definition in 1932 were the poor trekboers of the north-western Cape; bywoners, agricultural labourers and shepherds from drought-stricken areas who were always on the move; men and women weakened by malaria, from the Transvaal, who apparently still depended on hunting for their economic existence; the poor woodcutters in the George, Knysna and Tsitsikama regions; small groups of indigents who lived in isolated, well watered valleys; paupers in shanties on the outskirts of 'dorpe' or villages; and the many thousands who were to be found on the alluvial diggings.

The commission's main criterion for classifying people as poor white was that they had lost their independence or ability to better their station without outside help. In this sense the urban dwellers formed the largest group because they were even denied a subsistence livelihood which their rural counterparts could eke from the land.

13 NEC 1930-1932, typescript joint evidence of E H Brookes and S H Frankel

14 De Kiewiet, pp 196-197. See also Carnegie Commission, part 1, chap 7.

15 Carnegie Commission joint report, p v. For other definitions see Report of the Select Committee on Labour Settlements for Indigent Whites, C3-06; Report of the Transvaal Indigency Commission 1906-1908, TG 13-08, p 116; and Report of the Commission Appointed by the Government of the ORC to Enquire into the Position and Circumstances of the Poor Whites in the ORC 1908, p 13 quoted by Lewis, pp 1-2.

An obvious fact, which the commissioners felt worthy of note, was that the term 'poor white' could only have come into common usage in a country inhabited by an 'inferior' non-European population as well as by Europeans;¹⁶ the very term implied that whites should enjoy a higher standard of living than non-whites.¹⁷ Sadly one could add a rider to this racist attitude: that it almost seems as though the poor whites were viewed as a problem and received what little help they did because they were white, not poor, like the impoverished Africans. This attitude was prevalent particularly in the towns where poor whites were totally dependent on charity channelled through the churches alone.

Poor whites in the towns

Poor whites had increased so much by 1929 that a reliable estimate put them at about 300 000.¹⁸ Their emergence had contributed to the growth of major slums in town and there the poor whites and poor blacks were not only competing for jobs, but had integrated socially. In the context of South African society, contact at this level was politically explosive. Thirty years later Margaret Ballinger recalled:

It is difficult now to remember or to appreciate the dark shadow which poor whiteism cast over the country in the 20's and 30's of this century. Yet it was the formative force in the standardising of the relationship of Black and White in the country. The very pressures that had been and were still being applied to get Africans to come to the developing industries to work were forcing Whites off the land into a labour market where they had nothing to offer that the African could not offer and in some cases not so much as

16 Lewis, p 3

17 Carnegie Commission joint report, p v

18 'Data obtained from questionnaires sent to practically half the schools in the Union, covering 49 434 families from which children are attending schools, are somewhat disquieting. Careful instructions were given to principals of schools, to indicate all children coming from "very poor" families, i.e. those who are largely supported by charity, e.g. in cities or who subsist in dire poverty on farms. The figures obtained show that 17.5 per cent of all the families with children at school were described as "very poor". If we apply the same percentage to the total European population (just over 800 000 in 1931), more than 300 000 (at a conservative estimate) of the white population were "very poor". The writers note further: "These figures were obtained in 1929/30 before the effects of the present depression were so noticeable"; a further indication of the extent of poor whiteism is contained in the statement made by a Cabinet Minister who claimed that "of all Europeans over the age of 65, no less than 47% received old age pensions".' Carnegie Commission, part 5, pp 80-81 and 121.

he had, for example brawn. To appreciate all the social implications, it has to be remembered that it was a period of great economic instability in which the alternations of boom and depression - and more and more serious depressions - aggravated all the strains inherent in the process of urbanisation among communities so ill-prepared for and as yet so ill-adapted to the new way of life. 19

Just how ill-adapted and ill-prepared this permanently underemployed class of the white community was, has been graphically depicted by C M van den Heever in his short story 'Nooit'. C M van den Heever's description shows the demoralisation of a ruined farmer in Johannesburg who lives in rooms hired from an Indian, with his wife and children. The conditions under which so many poor whites lived are starkly conveyed in the story, and the hero is presented as a man who is unskilled, unemployed and humiliated at being powerless to help his family. David Welsh gives the scene: 'He had to set aside everything that constituted his very nature - to come and live here. He had to cut out his self-respect, he had to become a dog who licked the hands of those who gave him food.'²⁰

A contemporary description of one of the many racially integrated suburbs was depicted by G Ballenden in his evidence to the NEC.²¹ The point he emphasised was the rising standard of the Africans compared to the degradation of the whites. The ensuing discussion on slum clearance and the creation of segregated locations reveals white concern over this development:

Lucas Take these two townships. When you have cleared the whole of your town under the Urban Areas Act, [22] how would you be able to prevent slums coming into existence in Sophiatown and Newclare?

Ballenden They will be treated like the rest and will be proclaimed in the ordinary way. [23] That is to say that no Native, except the freehold owner and his family will be allowed to reside there. It is conceivable that the Council may follow that policy. You must bear

19 Margaret Ballinger, 'Migrant labour - historical background', Ballinger papers, UCT collection, D70/80 9(d)

20 C M van den Heever, 'Kortverhale (trans), p 4 quoted by D Welsh, 'The growth of towns' in Wilson & Thompson (ed), v 2, p 207

21 Manager, Municipal NAD, Johannesburg

22 Natives' (Urban Areas) Act 1927 Amendment Act 25 of 1930, section 5. Means were provided for enforcing the residence of Africans in segregated locations. Legal technicalities had made this section largely inoperative before 1930. After that date an urban authority could procure the proclamation of its area even though it had not provided the requisite housing accommodation. See chap 8 below, p 317.

23 1930 Urban Areas Amendment Act, section 7. This conferred special powers for purchase or expropriation of African-owned property in the town of any African who under the segregation clause was not entitled to reside on such property. (This did not apply in the Cape.) Chap 8 below, p 315.

in mind that it is not free in the sense that any Native [24] may just go and reside there as he pleased.

Lucas Supposing the freehold owner wants to go away, what is to happen then to his house?

Ballenden With the approval of the Council, the owner may let it to an approved tenant, or a tenant who will come under the provision of the Urban Areas Act but the approval of the Council will definitely have to be given.

Lucas Do you anticipate that you will be able to do that without difficulty?

Ballenden I think so. I do not think that there will be any undue hardship imposed on them, but, of course, restrictions must definitely be enforced against overcrowding and the residence there of undesirable persons. We are not going to allow that to develop into an area which may become a danger to us or to the respectable Native residents there or the White residents on the outside. [25]

Chairman Are these townships showing any slum tendencies now?

Ballenden Yes, I think they are. There are quite a lot of types of buildings, shacks, etc., which are slummy. [26] They are not to be compared altogether with ordinary slums, because they are more open in the first place, but they are just as unkempt or more unkempt than the places which you saw in Doornfontein - Nathan's Yard. [27]

Chairman That yard is not by any means the worst?

Ballenden No, that is so, not by any means.

Chairman But you say that on the whole Sophiatown is no worse than Nathan's Yard?

Ballenden Generally speaking, I would say that it is infinitely better.

Chairman At its weakest point?

Ballenden At its weakest point it is not worse.

Roberts What about Jackelson's Yard?

Ballenden It is infinitely worse than Nathan's Yard.

Lucas In Sophiatown and New Clare, [28] do you find any signs of housepride?

- 24 Other than those exempted under the 1927 Native Administration Act from carrying passes
- 25 In such instances the government had the power to implement the Slums Clearances Act 1931. This also obviated the need to force municipal authorities to proclaim their areas under the 1930 Act.
- 26 Ballenden explained that African freehold areas had become overcrowded as a result of the 1923 Urban Areas Act and the reluctance of Africans to settle in municipal locations. While places like Sophiatown were overcrowded, there were still vacant houses in the segregated locations. For reasons see chap 8 below.
- 27 A racially mixed area
- 28 Predominantly African areas

Ballenden Yes, very much so. Among the Natives generally you find a good deal of housepride. They are not people who allow their houses to go down if they can possibly help it.

Chairman The Tribal Native has a considerable degree of housepride?

Ballenden Yes, and you can say the same about the town Native.

Chairman He starts with the background of a clean house?

Ballenden Yes. You will notice always that every house, even the meanest, is clean. There is always an attempt at keeping the outside yard clean. That is inherent among the Natives.

Roberts And their persons they also keep clean?

Ballenden Yes, that is so. There is a big tendency among the Natives to beautify their place. They do not do it in the kraal but when they come to Johannesburg they try and beautify their place with a little garden and they will add all sorts of little things to try and make the place look nice. 29

The image of Africans and whites living cheek by jowl in the slums of Jackelson's and Nathan's Yard offended the sensibilities of good clean-living whites, but that Africans in Sophiatown and Newclare were houseproud was anathema. The hint of disbelief in Dr Roberts' 'And their persons they also keep clean?' speaks volumes on white attitudes of the day, considering the fact that Roberts himself had been stigmatised by racists as a 'kaffirboetie'. It was left to Professor Macmillan to convey the effects of abject poverty on both Africans and whites. After many years of intensive study of both poor whites and blacks, he wrote:

I see no reason to modify some words I wrote in 1915, when my knowledge of Johannesburg was less than now, 'I shall not readily forget what I have seen in the slums of this town. In almost every case where whites and blacks live side by side, the blacks are on the upgrade, in the slums, because there is no other place for them, clean and decent: but their children are growing up there, learning "civilization" from white neighbours, squalid and filthy, the very dregs of society.' In other words, the continuance of present conditions of society is having the effect of depressing our own race, making a healthy white South Africa impossible, and degrading and demoralising the black himself in the process. 30

This particular study was done during the tail-end of the boom which followed the Great War, indicating that poor whiteism was not specific to the recession in the early twenties nor to the world-wide depression of the early thirties. But obviously those years of depression, degrading and demoralising people, further accentuated the human misery of this class. The 1930 depression

29 African houses outside municipal locations were, Ballenden also pointed out, required to conform to municipal building regulations.

30 Macmillan, The South African agrarian problem . . ., p 17

also highlighted the problem of unemployment amongst whites as it had done on few previous occasions. In the absence of reliable statistics it is impossible to gauge unemployment figures for any specific period. There is, however, a significant correlation between the periods of recession coupled with high unemployment and the stepped-up demands for poor white relief measures. There were few such periods, according to the 1930 Unemployment Investigation Committee:

during the last thirty years, there have been few periods of cyclical unemployment of an abnormal or exceptional character ... it is impossible to determine even approximately how great was the unemployment in each instance, but there is a consensus of opinion that relatively the depressions of 1906-8 and 1930-32 were more severe and more prolonged than the depressions of 1913-14 and 1920-22.

31

It is against this background that the poor white problem must therefore be assessed.

Underemployment of poor whites during periods of prosperity is less easily explained. One reason for this was the accelerated pace of urbanisation. The rate at which this was occurring is shown in the following table:

Table 7.1 DISTRIBUTION OF WHITE POPULATION

32

Census	Urban population	Rural population	Total	% urban	% rural
1891	217 322	403 297	620 619	35.02	64.98
1904	590 926	525 880	1 116 806	52.91	47.09
1911	695 796	616 446	1 276 242	51.70	48.30
1918	766 894	654 932	1 421 781	53.94	46.06
1921	847 508	671 980	1 519 488	55.78	44.22
1926	975 235	701 425	1 676 660	58.17	41.83

In 1904, 53 per cent of the total white population lived in the urban areas. The estimate for 1931 was given as 1 119 848 or 61 per cent, with a proportionate drop in the rural group.³³

31 Report of the Unemployment Investigation Committee, UG 30-32, paras 65-66

32 Fourth census of the population of the Union of South Africa, 4 May 1926, (enumeration of Europeans only), UG 4-31, p 16

33 De Kiewiet, p 194

Since most of those who had been forced off the land had little or no skill or training, one can understand the demand growing apace for relief work and for laws to help whites get into commerce and industry more rapidly. Initially every attempt had been made to establish colonies for poor whites as part of a 'back to the land' rehabilitation programme, but with little success. Thus the following comment in the report of the Unemployment Investigation Committee suggests:

We are strongly of opinion that the Government should not entertain the policy of settling indigents on the land by its own direct action. The only way in which indigents can be turned into self-supporting farmers is when they are kept under discipline, made to work, and subjected to moral and religious influences. To put indigents on the land and then leave them to themselves is to court certain failure. 34

For many years the resettlement of poor whites in labour colonies along the lines of Kakamas³⁵ had been advocated as a solution to the poor white problem. The main advocates of this school insisted that poor whites were the victims of circumstances and that the state had a duty to provide cheap capital for the whites driven off the land. Attempts to persuade the land companies to settle whites and not Africans on their lands have already been discussed.³⁶ This development was merely an extension of the fundamental objection that most whites had towards African share-croppers who were accused of displacing whites. Lewis sums up white objections thus:

The native labourer was cheaper than the white labourer; and the native share-cropper was often preferred to the bywoner because social pressures forced the farmer to see to the comfort and well-being of the bywoner - an obligation he was not burdened with in the case of a native share-cropper. The unpopularity of the practices of taking black rather than white labourers and taking on black share-croppers rather than white bywoners was due not only to the fact that these practices tended to displace poor whites, but also because they offended the segregationist conscience. 37

Even more than this, perhaps 'it provided a much greater reward for a native share-cropper on a white-owned farm than other white farmers, who did not have large tracts of land and were prepared to pay a native labourer'. In the words of a Bethlehem farmer: farming on shares was 'detrimental to the country' - 'by getting into partnership with the natives ... it will be difficult to know what to

34 UG 30-32, para 89. See also *Carnegie Commission*, part 5, where the effects of injudicious methods of relief are analysed in detail, and part 2, p 108, and part 5, chap IV, where successful methods and solutions are analysed.

35 Lewis, pp 60-66 for assessment of the labour resettlement colony at Kakamas

36 See chap 2 above, pp 99-101.

37 Lewis, p 30

do with them; they have become rich through the indulgence of the farmer . . . they always seek out the best land.'³⁸ As far as this farmer was concerned,

There are many poor white people in the district who would be only too glad to get the opportunity of taking the place of natives as far as farming is concerned. . . . 39

A concerted effort was made to end share-cropping and replace Africans by poor whites on the land. The folly of resettling failed farmers back on the land was, however, no solution, as some of the reports of the several commissions show.⁴⁰

By the mid-twenties earlier enthusiasm for a 'back to the land' policy had begun to wane. Grosskopf's objections to a solution of this kind tell why: indigents left to their own devices failed to make the grade:

Almost universally we hear the cry 'back to the land: keep the rural poor on the farms and out of the towns!' Undoubtedly, if this were feasible, the conscience of the nation would be less perturbed, because the so-called 'Poor White Problem' would remain almost imperceptible if the poor were distributed over hundreds of thousands of square miles of the rural interior. But the average wealth and welfare of the white population would be no better; neither would rural poverty disappear in this way. 41

It was not simply a question of out of sight out of mind. Old solutions had to be revised. There was no doubt that allocating land to people with no skill or ability, capital, or even the desire to better themselves, had doomed the policy to failure. Both the Unemployment Investigation Committee and the Carnegie commissioners were unequivocal on that point.

38 Beaumont Commission report, UG 22-16, p 55, evidence of J J Bruwer, Bethlehem farmer, quoted by Davenport & Hunt, doc 95

39 *Ibid*

40 The 1908 Indigency Commission differed from other commissions in that it opposed the resettlement of poor whites on the land unless strictly controlled farm colonies were set up. They believed the 'poor white problem could be resolved, largely in the towns, largely by the poor whites themselves, and the hard way'. Quoted by Lewis, p 53. The Clay commissioners advocated a controlled 'back to the land' policy. The assumption here was this may have been seen as a solution to the over-supply of unskilled labour, African and white, in the urban areas, which had intensified state efforts towards the implementation of their 'civilised labour' policy. Secondary industrialists were baulking at having to pay the higher rate for white wages. The Clay Commission's investigations into land company policy towards poor whites is dealt with in chap 2 above, pp 99-101.

41 Carnegie Commission, part 1, p 79. This statement by Grosskopf is an implied criticism of urban white attitudes in general. It lends weight to the argument that 'back to the land' was one way of solving the problem of poor whites and blacks in the towns to the industrialists' advantage - Africans were employable at a cheaper rate.

A 'civilised labour' policy

Hertzog's National Party's accession to power in 1924 in a pact with Labour brought new hope that the poor whites would be relieved. Within the first year Hertzog had laid down guide-lines for his 'civilised labour' policy. The poor white as a permanent city dweller had been accepted as a fait accompli. The wording of the circular sent to all departments by the Prime Minister reveals how tentative his first step was in this new initiative:

Civilized labour is to be considered as the labour rendered by persons whose standard of living conforms to the standard generally recognized as tolerable from the usual European standpoint. Uncivilized labour is to be regarded as labour rendered by persons whose aim is restricted to the bare requirements of the necessities of life as understood among barbarous and underdeveloped peoples. 42

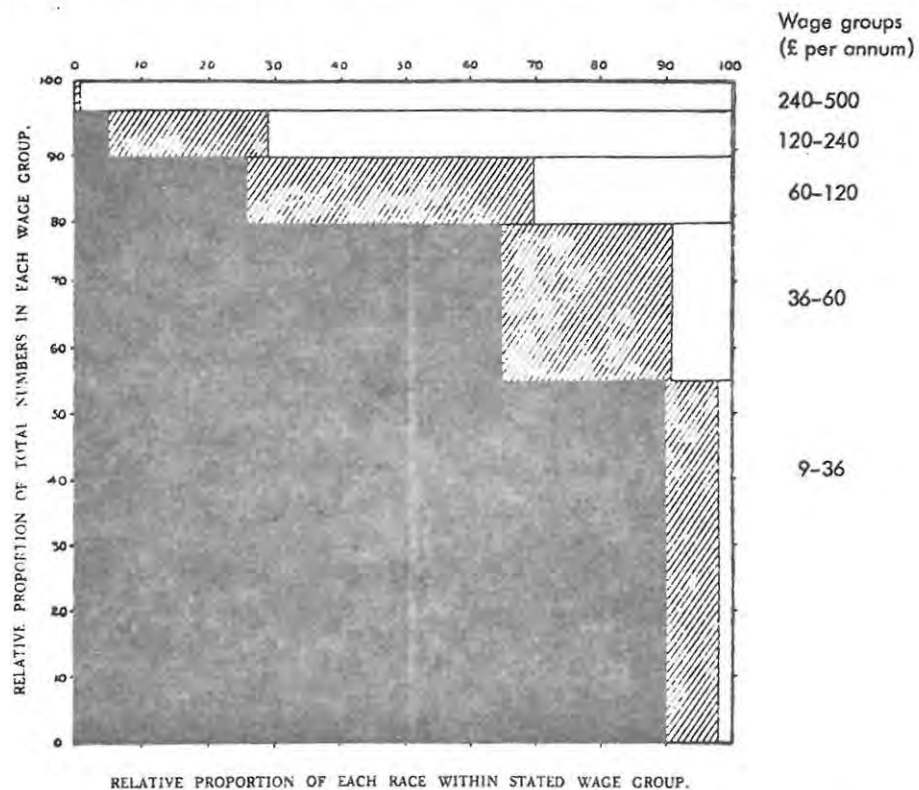
The blatant racism of later instructions is completely absent from this 1924 circular. Even the newly created Department of Labour began by interpreting this policy in its widest form.⁴³ In due course all this changed. Ironically, as the state's interpretation of this policy narrowed to focus on poor whites, their position got worse. It became so bad that even before the depression the state approved the funding of a commission by the Carnegie foundation to investigate the poor white problem in all its aspects.⁴⁴ Before the commission had a chance to report, however, a series of amending Acts were passed in 1930 effecting greater state control over labour. The negative repercussions of this policy will be discussed in due course. First let us examine and assess the early expedients adopted in implementing the Pact government's 'civilised labour' policy.

The size of the poor white problem had been highlighted in 1925 by the EWC. Their thorough analysis of how income and wages were distributed overall revealed some very worrying facts, one of the most startling being the uneven wage distribution which they summarised thus:

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- 42 RR 102/35 (mimeo): copy of circularised minute, Prime Minister's circular 5/21, Department of Labour, February 1925.
- 43 See SAIRR, 'The civilized labour policy and the displacement of Non-European labour', mimeo 102/35. In this, official statements on the interpretation of the 'civilised labour' policy from the Secretary for Labour to different institutions are quoted.
- 44 For details of the five-part commission report and its members see n 7.1. Lewis, pp 54-55, makes some interesting observations on the qualifications, interests and attitudes of the different members. Among other points he notes that they were all experts in their fields; that they 'held traditional attitudes towards the natives'; and in addition 'their background and affiliations made them more sympathetic to the aspirations of the poor whites than the Milnerites on the 1908 Transvaal Indigency Commission' had been.

Table 7.2 DISTRIBUTION OF WAGES IN THE UNION

45



The square represents the total number of wage earners in the Union.

The rectangles when measured horizontally indicate the relative number of people of each race falling within the wage groups.

The rectangles when measured vertically indicate the relative number of people of all races falling within the wage groups.

The black portion refers to Africans, the one lightly shaded to coloureds and Asiatics, and the unshaded part to whites.

Frankel wrote on their findings:

A careful examination of this diagram shows that approximately 55 per cent. of the wage earners in the Union in 1925 received between £9 and £36 per annum, that is, a range of wage whose minimum is only just sufficient to buy say one complete change of clothing for a worker on a civilised standard of life, and whose maximum would not even buy the furniture for one of his living rooms. . . . The diagram illustrates clearly how small compared to the mass of the workers of South Africa is that highly-paid, though not therefore always correspondingly highly-skilled, class of white workers (there are practically no non-Europeans) who compose the group earning between £240-£500 per annum. On the diagram it is shown to amount to under five per cent. of the total number of wage-earners. . . . For the rest the European, and especially, as is only too well known, the Poor White

from the country, is being forced to accept low-paid occupations, and in 1925 they formed over 2 per cent. of the £9-£36 group and over 8 per cent. of the £30-£60 group. 46

These findings had led immediately to the Wage Act of 1925, followed by a whole series of Wage Board determinations designed along with the 'civilised labour' policy to uplift the poor whites. On their aim and efficacy the Director of Labour, Major Cooke, wrote:

In the report of the Wage Board for the three years ended February, 1929, in the final part of Paragraph (5), it says: 'Unskilled work ... is almost generally performed by natives, whose standard of living is much lower than that of the Europeans.... Such a fact must be recognised in wage legislation.'

A scrutiny of wage determinations suggests that this principle has been borne in mind also in fixing the rates in the lower levels of semi-skilled work between which and those for unskilled work there is too wide a gap. Where wages are based upon European standards of life race prejudice favours the European, to the practical exclusion of the native, from the performance of operations for which he has aptitude and ability.... The gap between wages for the unskilled and semi-skilled work coupled with race bias keeps the detribalised native from the opportunity of earning a wage which is essential to the normal needs of himself and his family and may also be uneconomical in unnecessarily increasing the cost of production. 47

Regardless of cost, the state used the public and civil service extensively to relieve the position of the poor whites and, according to the Carnegie Commission, with considerable success. As a writer on 'European labour on the SAR & H' wrote with pride:

In the South African Railways since 1925 - as in several of our bigger municipalities - an interesting development has recently taken place in the way of providing regular work for whites, not merely a temporary job for unemployed men.

The present policy of our railways deserves particular attention, for it not merely aims at using the unskilled white man to replace the native, but is an attempt to create a new labour organisation which shall make more effective use of the character and qualities of the European, offering opportunities to the more ambitious and efficient men to advance to the higher 'graded posts'. 48

The increased jobs on the railways provided for unskilled white workers after 1924 are clearly indicated in the following table:

-
- 46 NEC 1930-1932, typescript evidence of S H Frankel and E Brookes
 - 47 NEC 1930-1932, typescript evidence of Major S H Cooke, Director of Native Labour and Chief NC, Witwatersrand
 - 48 SA Railways & Harbours, Special bulletin 135, 'European labour on the SAR & H', April 1929, quoted in Carnegie Commission, part 1, p 195

Table 7.3 WHITE LABOURERS ON THE RAILWAYS

49

Year	No. on completed lines	No. on construction	Total
1924	3 083	1 667	4 760
1925	7 557	3 193	10 750
1926	10 161	3 126	13 287
1927	11 228	3 624	14 870
1928	11 997	3 901	15 878
1929	12 906	2 912	15 818
1930	12 501	1 862	14 363
1931	12 247	2 304	14 551

Wilcocks in his report stated that most of the new employees on the railways were from the poor white class and in his view

No other measure specially designed to cope practically with the poor white problem is comparable in extent with that carried out on the railways.

50

The phenomenal percentage increase of whites on the railways especially during the depression confirms this. In 1924 only 9.5 per cent of railway employees were white. By 1928 the percentage had increased to 28.7; barely two years later the number had shot up a further 11 per cent, to 39.3. The corresponding decrease in the employment of Africans and Indians is instructive in that it shows how the state was able to enforce its 'civilised labour' policy for whites and coloureds in state-run institutions. The following table shows how this was done at the expense of other groups:

Table 7.4 LABOURERS ON SAR & H IN SELECTED YEARS

51

Year	% whites	% Africans	% Indians	% coloureds
1924	9.5	75.0	4.2	11.3
1925	19.7	66.4	3.7	10.2
1929	28.7	55.9	1.8	13.6
1933	39.3	48.9	1.5	10.3
1936	28.9	57.8	0.8	11.3

49 *Carnegie Commission*, part 2, p 79 quoted by Lewis, p 79

50 *Carnegie Commission*, part 2, p 79

51 W K Hancock, *Survey of British commonwealth affairs*, v 11, part 2, p 52. The full table on which the above is based appears in *Report of the Commission of Enquiry Regarding the Cape Coloured Population of the Union*, UG 54-37, p 44. Note how coloured employment increased until the depression took its toll.

The civil service also reported a fair measure of success. For example, the police and defence force recruited 6 469 young men from the farms, 65 per cent of whom were 'Dutch-speaking'. On municipal employment, Grosskopf said:

During recent years the State has given much attention to finding work for unemployed men in the various municipalities, often paying one-half of the difference between the ruling pay for natives and the higher rate for Europeans. In the case of 'semi-fit' (old or sickly) Europeans the Department of Labour and the Provincial Administration have, for instance, each contributed 1s a day, if municipalities were willing to offer 3s; but many towns found even this too much. 52

Many more had jobs as overseers, while on the tramways the municipalities were opening up job opportunities 'for the more intelligent labourers at much better rates of pay'. Rates of pay generally were at 'civilised' rates determined by the Wage Board. Overseers, for instance, were paid anything from £6.5.0d to £6.9.6d a week, while the Johannesburg Municipality reported 'white labourers cost the city nearly £90 000 per annum more than native labourers' to do the same work. This, they added, was paid without 'considering the quality of work'.⁵³

The same measure of success was not recorded during the depression despite a concerted effort on the government's part.

Owing to the policy of paying whites a 'civilised wage', public works undertaken jointly by the Unemployment Committee and the Department of Labour were at high capital cost, with the result that the scope of projects suitable for poor relief was limited.⁵⁴ Another reason why work was not available for poor whites was that local municipal councils refused the poor whites anything but maintenance work in their areas. They argued that local taxpayers were already having to bear the extra cost of the government's 'civilised labour' policy.⁵⁵ So poor relief works on a major scale were programmed for provincial and national projects only, and were funded by the government.⁵⁶ Also, the Unemployment Committee insisted that any state assistance to the thousands made jobless by the

52 Carnegie Commission, part 1, pp 196-197

53 *Ibid*

54 See UG 30-32, paras 87-89. The Carnegie commissioners also commented on this. They recorded that the Witwatersrand had become the 'Mecca of all unemployed in South Africa', and tell how the state in an attempt to divert the stream of unemployed away from the major towns embarked on a policy of recruiting men for the railways, afforestation and irrigation works, but as far as possible in the rural areas only. See Carnegie Commission, part 1, p 185.

55 Carnegie Commission, part 2, chap viii, and part 5, chap iv

56 UG 30-32, paras 43-50; Carnegie Commission, part 5, pp 77-89

depression should be considered quite separately from assistance meted out to the habitually unemployed poor whites:

The problem in most of the rural areas is not so much periodic or cyclical unemployment as it is permanent under-employment or lack of employment, and that the earnings of the rural unskilled workers are generally below what is required for healthy subsistence. 57

They continued:

Relief works have been resorted to during severe depressions as a means of alleviating privation arising from unemployment, but they are not a cure for under-employment. 58

In other words they endorsed the view that in the use of public funds a clear distinction should be made between relief work and poor relief work. The latter was not the responsibility of private enterprise – the state could become involved to a limited extent – but ongoing relief should be left to charitable institutions on the whole. The Carnegie commissioners disagreed with this point of view in some respects.⁵⁹ The problem, they said, had to be tackled on a national scale, and they recommended the establishment of a separate Department of Social Welfare to undertake the job.

The increased cost to the state may not have been an issue prior to the depression, but it certainly was for private enterprise. Nevertheless the state was involved: to correct the many problems, blamed largely on the poor whites' African counterparts, the government resorted to artificial devices to uplift and protect the interests of the poor white class. In addition to land grants, costly land settlements and relief projects to solve the distress of the rural poor whites,⁶⁰ the government tried to provide work for the urban poor thus:

57 UG 30–32, para 49

58 *Ibid*, para 51

59 The argument was that the 'civilised labour' policy was a psychological necessity in the rehabilitation of poor whites. Wilcocks especially believed this policy was the best means whereby poor whites would overcome their prejudice against manual work. See Carnegie Commission, part 2, pp 170–176 *passim*. The Carnegie commissioners did, however, express important reservations on the 'civilised labour' policy as a permanent solution. They believed that the 'policy of protection by reservation of work for the European should be treated as merely a measure of transition for a period during which the Poor White is given the opportunity to adapt himself to new conditions in South Africa.' Joint report of the Carnegie Commission, para 68.

60 UG 30–32, paras 43–50; Carnegie Commission, part 5, pp 77–89

(1) substituting Whites for Non-Europeans in Government departments at increased wages; (2) influencing municipalities to employ Whites at work ordinarily done by Natives and to undertake new public works for them by the granting of subsidies to make possible the increase in wage scales; (3) extending preferential treatment in awarding public contracts to employers who would guarantee all-White employment; (4) threatening to relax protective customs duties unless employers in those protected industries employed a certain percentage of European workers; and (5) by 'the powers of the Minister of Labour being used to establish a quota of European labourers in relationship to the non-European unskilled worker'.

61

So the 'civilised labour' policy could be judiciously applied by refusing tariff protection, government tenders, contracts⁶² and incentives, vital to sub-economic industries and new factories, unless they guaranteed what the government came to regard as 'satisfactory' labour relations. The gradual evolution of this policy Lewis describes thus:

The Civilised Labour policy was ... extended into private enterprise through pressure from the Department of Labour and the operation of wage determinations. In imposing the Civilised Labour policy on private enterprise the Department of Labour used moral persuasion as a first expedient. When economic conditions were bad the Department urged firms to take on more 'civilised labourers' and when economic conditions were good it emphasised the fortunate opportunity for doing just the same. Thus the Department's policy remained constant. When moral persuasion failed threats could be resorted to, an uncooperative firm could be threatened with exclusion from the

61 Report of the Wage Board 1926-1929, para 57. The references that follow refer to the numbered sections in the quotation: (1) F W Lucas, *ibid.* In only one case had the Minister requested the Wage Board to recommend a wage for unskilled labour on other than a civilised basis for an urban area - Bloemfontein 1928 - 3/6 per day or 20/- per week; NEC report: 'In August Kroonstad requested a Wage Board hearing hoping at least to obtain a wage determination on the basis of the Bloemfontein grant, this was turned down and not referred back to the Wage Board by the Minister of Labour' - which had to be done before further negotiations were possible. Para 1 034. (2) & (3) Van der Horst, 'Some effects of industrial legislation on the market for native labour in South Africa', SA Journal of Economics, v 3, 4, 1935, p 494. (4) M Kooy & H M Robertson, 'The South African customs tariff and development of South African industry', SA Journal of Economics, March 1967, p 214. (5) *ibid.* This was commonly referred to as a company having established 'satisfactory labour relations'. Kooy & Robertson also show how the Customs and Tariff Act 1925 had as its stated objective the creation of a diversified economy to provide employment for destitute poor whites. The establishment of Iscor in 1928 was to serve the same purpose: it provided 'protected' employment for poor whites at 'civilised rates of pay'.

62 Kooy & Robertson

Union Tender Board or the list of approved tenderers for the Railways and Harbours. After 1925, when the Government adopted a policy of tariff protection, an industry could be refused protection against imported goods if it failed to maintain a satisfactory ratio between 'civilised' and 'uncivilised' workers.

63

Expensive white labour: employer resistance

There is evidence to suggest that employers in industry and trade, far from allaying the fears of white workers, were confirming them. Apart from not increasing African wages⁶⁴ and so making it far harder for poor whites to find jobs for better pay, many secondary industrialists were beginning to find by the 1930s that they also could not afford the high price involved in implementing the government's 'white labour' policy which applied in the main to skilled white workers. They had tried, and effectively, to evade industrial agreements and wage board determinations by using loopholes in the 1924 Industrial Conciliation Act. A variety of circumstances helped them, not least the economic depression.

In September 1931 Britain left the Gold Standard. Hertzog's refusal to follow suit plunged secondary industry into the doldrums.⁶⁵ With the flight of capital from South Africa credit became short, interest rates were increased, and many sub-economic industries were found to be severely undercapitalised.⁶⁶ Unable as many were to get enough capital to keep going, firms began exploring how to balance or cut their costs. The wage bill was a good target. With the crisis, firms had to struggle along on their own without government assistance because the state itself could not afford to offer the incentives that had been available in the more prosperous years. Possibly all this together led employers to seize the option of retrenching whites and replacing them with Africans at considerably reduced wages.

The government's response to employer resistance and evasion of industrial agreements was to be an immediate one. They were not prepared to tolerate a break with established practice by allowing Africans to advance if it meant whites were kept out.

63 Lewis, p 81

64 See letter to ICU of Africa from Chamber of Commerce and Industry, p 274 below; UG 14-26.

65 For references see above, n 6.1 and n 6.6.

66 See J C du Plessis, Economic fluctuations in South Africa 1910-1949, p 50.

In 1930 the government passed a series of amending Acts to redress the position. These fell into two categories. Some were directed against employers who had tried to substitute cheap African labour for white, while others were deliberate devices to check African advance. As Lucas explained:

One result, prior to the amending Act of 1930, of the limitation of the Industrial Conciliation Act to non-Natives was the dismissal in a number of trades, notably the baking and furniture trades, of Europeans whose wages were regulated by an Industrial Council agreement, and the substitution for them of Natives whose wages were not so regulated. [67] To remedy this state of affairs, the Wage Board was requested by the Minister to make recommendations for wages and other conditions of labour of employees in those trades who were not governed by the Industrial Council Agreements, that is, for Natives. This procedure, however, was often not satisfactory, because the Wage Board [68] could not always see eye to eye with the Industrial Council and also it was unsatisfactory to have two wage regulating instruments applicable to one trade.

69

As a result the Industrial Conciliation Act was amended so that industrial agreements that formerly applied only to whites could be extended to include Africans even though the latter were excluded from the bargaining process altogether.

The Wage Act also was amended in 1930. Thereafter only whites qualified for 'civilised' pay, and the gap between unskilled white and African labour widened. In evidence before the NEC, W G Ballinger showed how state

67 Industrial Conciliation Act 11 of 1924, as amended by Act 24 of 1930. Africans were brought under this Act in a way prejudicial to their interests - see UG 22-32, para 300. Under the 1924 Act employees - which included Africans whose contract of service or labour was regulated by the Native Labour Regulation Act, or by the 1923 Urban Areas Act - were excluded from the benefits of Industrial Agreements. Employers could therefore evade the terms of an Industrial Agreement by employing Africans at cheaper rates. These were the primary reasons for this Amendment, for after 1930 the terms of an Agreement could be extended to Africans as well. It should be noted that the Apprenticeship Act 26 of 1922 was amended by Act 15 of 1924 and Act 22 of 1930 too - see H M Robertson, 'Native unemployment', address to the 5th National European-Bantu Conference, Bloemfontein, 1933: Report of Conference, p 114. Trade union representatives, Robertson shows, were in a position to force employers to reconsider decisions where they had been willing to accept African apprentices. Apprentices in terms of the Act could also be required to attend technical colleges to which Africans would be refused admission.

68 Wage Act 27 of 1925, amended by Act 23 of 1930. See below p 283. This Act also falls into the second category, of measures to check African advance.

69 UG 22-32, para A 301

intervention led to the fixing of wage standards that automatically excluded Africans from both skilled and unskilled employment, while placing enormous strains on African entrepreneurs:

At present the Native, not without cause, regards the Wage Board Act as a Colour Bar and most certainly in its operation the Act has fixed wages impossible of attainment for Natives under existing conditions. The effect of Wage Board Determination has either been to exclude Natives and Coloureds from industries or to make industries or trade predominantly Native, Coloured or European. The most recent example is that of the Determination for assistants engaged in the Native Trade on the Witwatersrand, which defines a rate of wages for certain employment, such as floor sweepers and errand boys engaged in the Native Trade, that is approximately 350% higher than for similar employment in European shops in the recognised shopping centres. Native store-keepers contend that the determination for the Native Trade on the Witwatersrand is an attempt to force them out of business.

70

The 1925 Wage Act also reinforced the 'civilised labour' policy. The way this was done was outlined to the NEC by Ballinger. The ICU of Africa,⁷¹ he wrote, had been thwarted in their attempt 'to use the conciliation machinery to redress their grievances', and it was not the board that stood in their way but the government. He recounted the Kroonstad incident as an example:

An application was made to the Wage Board by the ICU for the hearing of a demand for £7.10.0. minimum wage, for certain classes of Kroonstad workers. The Wage Board granted the request for a hearing. The application was heard in August 1929. Up to the present [1931] no determination has been given because the Wage Board could not recommend 'a civilised wage'. This decision was not unexpected but it was thought that the Minister of Labour would refer the matter back to the Wage Board for a determination similar to the agreed Bloemfontein Native minimum of 3/- per day. I understand that the Minister for Labour's Cabinet colleagues were not in favour of referring the matter back to the Wage Board. This action of the Cabinet has rendered appeals for a constitutional approach to the adjustment of Native grievances futile.

72

Lucas, as chairman of the Wage Board, confirmed this.⁷³ He was also able to show that the Act set wages at rates that would drive employers to use

70 NEC 1930-1932, typescript evidence of W G Ballinger, adviser to the ICU, who also mentioned in his evidence that he was 1930-1931 ICU delegate to the Non-European Conference, and that he assisted unregistered African trade unions in making representations to the Wage Board.

71 One of the branches reconstituted after the demise of the ICU

72 NEC 1930-1932, typescript evidence of W G Ballinger

73 F W Lucas, 'Natives and the Wage Act', Report of the National European-Bantu Conference, 6-9 February 1929, pp 119-129; and UG 22-32, para A 319

whites instead of Africans. Whites after all were not only free of all constraints controlling African labour, he said, but since they were not liable to eviction from town they were considered a safer group to train in a job.⁷⁴

Conservative trade unionism undermined by the state

It was not only the employers and the Africans who were charged with harming the poor whites, however. The government also accused the skilled white workers. In the first place, increasing trade union autonomy had given the skilled white workers an almost monopolistic bargaining position. Their scarcity value in a country where skilled manpower was at a premium enabled them to secure for themselves the top 5 per cent of the wages paid to the labouring class, as the diagram of wage distribution shows.⁷⁵

Also, apprenticeship boards in their bid to exclude Africans from skilled and semi-skilled trades had, as it turned out, excluded the ex-rural poor whites as well. Grosskopf expanded on these practices in his report:

The actual circumstances in our country must be considered - in the first place, that our production (whether we think it beneficial or not) is largely based upon unskilled native labour; in the second place, that many of the rural whites drifting to the towns simply do not get the opportunity of becoming efficient workers - although many of them could be profitably employed in our industrial system - and are therefore only eligible for the unskilled tasks now usually performed by natives. But few employers would like to let white men work among their black labourers; most of them would not accept a white man who offered to work with Kaffirs.

It must be admitted that not only organised labour, but a large proportion of the employers as well, cling to the narrow Trade Union tradition.... An employer of this type, a man that gave much of his time to duties on the Juvenile Affairs Board and Apprenticeship Committee, admitted that personal influence counted for a great deal in getting a boy apprenticed. Consequently the son of a poor man from the country, even if he is alert and intelligent, is handicapped.

76

He gave the example of the South African metal industry where jobbing work still predominated because firms insisted on keeping their workshop character. Here he remarked that conservatism was reflected in the union opposing the so-called 'splitting up of trades' - the process of deskilling.

74 UG 22-32, paras A 300-306

75 See above, table 7.2 on p 261.

76 Carnegie Commission, part 1, p 209

The government on the other hand supported the deskilling of certain trades only where this allowed the poor whites greater employment opportunities. This had already happened in the public sector, as Grosskopf explained:

It is certainly a striking fact, that in recent years very marked progress has taken place - apart from protection - in those industries in which there are no troublesome apprenticeship regulations. Obviously this is one reason why the daughters of poor people from farms are beginning to occupy an important position in our factories; for on the whole there are not the ordinary apprenticeship regulations for female workers. . . .
The present system on the railways shows how not only aid can be rendered, but useful workers can gradually be obtained from apparently unpromising material. Private industries also - without charity being expected from them - could certainly often modify their labour organisation; this would benefit both employer and worker. Under the existing South African conditions a bigger class of semi-skilled factory workers is particularly needed. 77

Despite government efforts, resistance by the unions increased especially with the onset of the depression and its threat of unemployment. By far the easiest and most profitable course for employers in hard times was for them to restructure their labour force by downgrading skilled jobs along the lines already set in the public sector. There was a difference in the two practices, though: private enterprise embarked on this course so as to fill posts with semi-skilled Africans at the cheaper rate, whereas the state used the opportunity to create jobs for poor whites. The stage was set for the skilled white workers to demand guarantees on two counts: from the government that deskilling of jobs in the public sector would not undermine their position further; and legislation that would prevent employers from exploiting cheap black labour at their expense.

This attempt by skilled white labour to prevent the downgrading of certain jobs in the face of greater mechanisation and mass production is not unique to the South African trade unions. But the South African case was a special one in that the security of labour was being undermined not only by capital but also by the state's attempts at, and increasing success in, dictating to the trade unions. State interference in the public sector had already led to the elimination of some of the old divisions between skilled and unskilled jobs, and in this way more jobs had been made available to poor whites. But in the public sector the government was the employer and it was possible to downgrade jobs without opening them to Africans.

77 *Carnegie Commission*, part 1, p 210. As with Africans, women did not fall under Industrial Agreements and they were therefore exploitable. For an excellent analysis of the ultra-exploitability of women, see J Cock, 'Domestic workers: A study in exploitation', unpub BA (Hons) essay, Rhodes University, 1977.

Without resorting to artificial devices and pressures they could not guarantee jobs for poor whites in the private sector, however. Hence their strategy of preventing the deskilling of jobs to thwart the entry of Africans into certain jobs and their refusal to support deskilling where poor whites would suffer. In short, the problem for the government in the 1930s was how to keep the Africans down and yet relieve their poor white counterparts without at the same time alienating the skilled white workers. The general thrust of the secondary strategy of Amendments in 1930 suggests how this was achieved.

Greater state control

All the industrial amending Acts passed by the government in 1930⁷⁸ had two common features. On the one hand they gave the Minister of Labour greater control over labour so that he gained even greater leverage over the employment conditions and opportunities for unskilled white workers; while on the other hand, the Acts put further obstacles in the way of African advance.⁷⁹ By these Amendments the government hoped to foil employer attempts to substitute Africans for whites in the unskilled sector and at the same time they could force the unions to open their ranks to poor whites - for instance, jobs were to be downgraded or entrance qualifications to certain trades modified and redefined to admit white apprentices who had been unable to qualify before. The comprehensive nature and increasing power over labour vested in the Minister under these Amendments was summed up by R Stuttaford, MP for Newlands, thus:

the hon. Minister of Labour ... is seeking autocratic power to deal with all trades and occupations. In order that nothing may be missed he is changing the definition of a trade to cover every occupation without reference to Parliament or anyone else.... 80

The other Bills drew similar criticisms where it was clear that the government intended getting greater control over industrial conditions.

The state's response here alienated many skilled workers even further. Earlier attempts by the government to uplift the poor whites had brought the state increasingly into conflict with the skilled workers, especially those represented

78 See n 7.67

79 See W G Ballinger, *Race and economics in South Africa*; A J Haile, 'The problem of crafts and industries in native life', *SA Outlook*, 1 July 1936, pp 150-153; and S T van der Horst, 'Native labour and wages', *Race Relations*, 4, 3 August 1937, pp 66-70.

80 House of Assembly Debates, 26 February 1930, col 1239

by the Councillites.⁸¹ This group under Madeley had broken away from the Creswellite faction and opposed the National Party in the election of 1929. Creswell and his followers had remained loyal to Hertzog.⁸² By 1931 Madeley's faction had become so disenchanted with the government's 'civilised labour' policy and the dictatorial powers assumed by the government under the three 1930 Amendment Acts, that in 1931 the SA Labour Party was reconstituted in distinct opposition to both Hertzog and Creswell.⁸³ This was to have adverse repercussions for the National Party, causing them to lose or reduce their majorities in several by-elections during 1932. The loss of the Councillite support was also an important factor in the move towards coalition in 1933.

Some apprenticeship boards and trade unions began to actively support capital in an attempt to prevent state interference in the deskilling and cheapening of certain jobs. As Lucas revealed:

It has already happened on a number of occasions that the employers and the well paid European employees have agreed, in return for concessions to these employees, to sacrifice the interests of the unorganised and poorly paid employees, irrespective of race. When it is remembered that generally on the industrial councils the 'employees' representatives come from the well paid section of the employees, it is easy to understand that, by some further concessions to them, the employers may secure their assistance to oppose concessions to those really in need of protection, whatever their race, colour, or sex.

84

How did these events affect the poor whites and their African counterparts?

Poor whites and poor blacks

In some sectors as a result of the government's 'civilised labour' policy a high proportion of white labour on the lower grades came to be paid according to the cost of a so-called 'civilised' or 'white' standard of living. This not only gave the untrained whites an advantage over the untrained Africans in a growing field of employment, but also created a social distance and economic instability among Africans, making it almost impossible for them to gain a skill, or for those who gained it, to exercise it. The notable effect such a policy was having on 'keeping the native in his place' was described by Archdeacon Hill to the NEC. Lucas then remarked:

81 See Introduction.

82 Ibid

83 See Roux, p 183 ff.

84 UG 22-32, para A 307

Are there any other factors which might account for the change which you mention in regard to your trade institutions and transfer after Standard VI to a trade institution? This is a very important statement that you make here. You say here: 'The operation or threatened operation of the Colour Bar and Wages Act: Though the Act itself contains no Colour Bar, it makes it impossible for Native boys to undertake skilled work in trades covered by Apprenticeship Committees which will not apprentice Natives. These two Acts considerably militate against Natives taking up trades. Their future is so uncertain that boys in schools nowadays rarely look to those for their future work, and so do not seek to go to trade schools. We have had a secondary school for 10 years, and no boy has sought a transfer after completing Standard VI to any of our trade institutions. Before these Acts came into operation, there were boys in the lower standards looking in this direction, but since the advent of these Acts, it has not been so.' Do you suggest that that Act, the Colour Bar Act, and that policy, account for this or may there be some other explanation as well?

Archdeacon Hill No, we say that the Act has given the Native the impression that it is no good for him to learn a trade because he cannot find employment, he cannot make anything out of it afterwards, and the effect has been that our schools which catered for boys who were looking to learn a trade are empty as boys are no longer interested in learning a trade. They are looking to pass JC and go to Fort Hare or to become teachers. The opening up of trades seems to be closed to them now.

85

Employers were also responsible for this state of affairs. Many found it was in their interests to support the state's call to implement the 'civilised labour' policy. They would then be indemnified by state protection, subsidies and so on against any loss incurred in having to pay higher wages to whites. Yet the evidence we have also suggests that commerce and industry were happy to let the state take the lead in setting the level of African wages. A good example here is an exchange between the Chambers of Commerce and Industry, and the ICU who first wrote complaining that commerce and industry had failed to raise wages despite the increased cost of living. They stated their case in a letter dated 27 November 1929, and these are some of the points they raised:

In view of the African Native unrest which we contend is all centred on the low wages paid by industries and Commercial undertakings all over the Union. We respectfully suggest that the Chambers of Industry and Commerce convene a meeting to discuss:-

- (1) An agreed minimum wage for all African adult workers.
 - ie Those over 18 years of age.
 - (a) The Minimum to be based on figures given in Budgets supplied by the Joint Council's I.C.U. of Africa and other Native Organisations.
 - (b) A Committee to be appointed and report on Minimum for

all African workers of the ages 14 and under; 14 to 15 years; 15-16 years; 16-17 years; 17-18 years....

- (2) Living conditions.
 (a) Travelling long distances to places of employment and/or inadequate transport facilities.
 (b) Clearance of areas and no provision for evicted peoples....

We would appreciate an early reply. 86

In their reply dated 24 January 1930, the Chamber showed they knew very well the problems faced by the African workers, but wrote that they were not in a position to institute wage reforms ahead of the government. They then stated their case:

Your letter dated 17th November, suggesting that the Johannesburg Chamber of Commerce and the Chamber of Industries should convene a meeting in Johannesburg to discuss the question of native wages, hours of employment, living conditions, etc etc., has been carefully considered by the Joint Committees of these Chambers.

We are instructed to say that each of these Chambers is of opinion that no good purpose would be served by meeting your Association to discuss these questions, as neither Chamber has the power to bind its members. There are also a large number of traders and manufacturers who are not members of either of these organisations.

The members of these Chambers are not unmindful of the difficult position in which de-tribalised married natives with families living in the towns, or in the locations contiguous thereto, are placed as regards the remuneration they are able to obtain in relation to their cost of living. These natives have to compete in the labour market with natives coming to town from native areas, who are employed in one form or other of commerce or industry at rates of wages which are sufficient to enable them to save a considerable portion to remit to their home or to take with them on their return after working 12 or 15 months.

There appears to be no good reason for raising the wages of natives living under tribal conditions and who come into the labour market at intervals. If it were done, it is possible that, as they would be able to save as much money as they do at present by working for a shorter period, it would have the practical effect of reducing the supply of unskilled labour without material advantage to anyone. 87

There was no reason why secondary industry should await state intervention except possibly that it would then be easier to blame their own continued exploitation of African labour on the government. As early as 1925 the EWC had recommended action to prevent the continued exploitation of permanent town workers:

86 NEC 1930-1932, typescript evidence, copy of letters exchanged between the ICU of Africa and the Johannesburg Chambers of Commerce and Industry submitted by W G Ballinger

87 Ibid

the Native who comes from a reserve is not in the same condition of complete dependence on his wages that is the normal condition of the wage earner. . . . Security against exploitation - using that word to mean payment at a lower rate than the industry could reasonably afford to pay and still continue to work at a profit - is in the case of the great majority of Native wage-earners, therefore, mainly a question of the adequacy of the Native reserves and locations. The urbanised Native, on the other hand, who has lost all connection with his pastoral origin and become detribalised, is in the same position as the White wage-earner. He finds the cost of living high, since he has to conform to urban requirements as to housing, clothing and transport and to pay urban prices for food; while the level of wages he is likely to receive is kept down in the neighbourhood of the standard set by Natives from reserves, living in compounds and working to supplement their agricultural livelihood.

88

The NEC made the same points in their report, but just as long as commerce and industry benefited from the migrant labour system in the form of cheap labour the proletarianised African workers had no security against exploitation.

As a result the state was also faced with a dilemma. The primary sectors demanded urban African wages be kept repressed so as to prevent inter-sector competition. If the state wanted commerce and industry to cooperate in protecting the privileged position of white workers, African wages would have to be kept at their lowest level. But at this repressed level, Africans had an advantage over the poor whites in the labour market. A cheap labour policy was therefore disadvantageous to the very group the state was trying to assist. Employer resistance and conservative trade unionism thus sabotaged the state's efforts to uplift the poor white class. The hardship of the times accentuated this. Employers began to focus on the wasteful expense involved in complying with state policy. Parliamentarians and commerce and industry became more critical and outspoken against government policy as a result. So did the skilled white workers on certain aspects of government policy.

The skilled white workers, after being favoured by Hertzog's earlier industrial policy, had come to expect and demand state protection. In fact, economic and social developments in industrial relations had become so grounded in the expectation that white labour, by the mere virtue of its racial character, should command the high returns and so maintain a 'white' standard of living, that both skilled workers and employers (for different reasons) expected the government to assist in maintaining a plentiful labour force, simple in its needs and therefore cheap. What the poor whites were experiencing therefore was a strong stand by the skilled white workers and capital in collusion with each other. While the

skilled labourer fought to prevent both Africans and poor whites from encroaching on their position, capital was willing to protect the skilled whites' position just as long as unskilled labour remained cheap. In South African terms cheap labour was African labour.

It appears also that the depression and the accelerated influx of both Africans and whites to the town, with inevitable social and economic results for both, confounded the situation and pointed up the failure of government policy. This failure moreover underlined a paradox inherent in government policy. The very restrictions imposed to prevent the Africans' advance had actually enhanced their opportunity, and in so doing inadvertently made it easier for them to get more jobs than the poor whites. How was this?

The government saw clearly that the success of their policy to upgrade poor whites and protect the interests of white workers generally, depended in the last resort on their being able to go on having an adequate supply of African labourers for secondary industrialists at the cheapest rate. This latter condition was being demanded by private enterprise before they would join in an expensive labour policy. Thus it was that the demand for the cheap labour ousted the poor white and the need for industrial cooperation in implementing an expensive white labour policy forced the government to ensure that cheap African labour was not in short supply.

Thus the poor whites, who were supposed to benefit from a policy designed to check African advance and ensure that Africans stayed unskilled and therefore cheap, found that such a policy merely intensified competition between themselves and the Africans in the already over-supplied unskilled sector. The anomalous position the poor whites found themselves in is highlighted in the following exchange:

Mr Lucas Now, in what way should this Commission answer the views of those White people who say that the Native, by being given freedom to do certain work, will oust the Europeans?... Take one of the least skilled occupations, say driving a trolley or motor lorry, the Native today is willing to take a lower wage than the European, and, because of that, in a number of instances, gets the job?

Dr Seme Yes.

Lucas Is there any other reason except the low wage that gives the Native that job?

Seme Yes. The Native, I think, is a better driver of the lorry... he will do more of the work of a driver than a White man will; the White man will require a boy to assist him, whereas the Native

driver alone will do all that is necessary; he will do the loading and offloading and all that; he will not ask for so many petty considerations.

Lucas Well, does not that perhaps give some support to the argument of those Europeans who urge that the Native will oust the White man?

Seme Sir, that condition only can exist if the present attitude of discriminating legislation is enforced; but if it is removed, the White man will compete in the open labour market and take up any job that is willing to pay him; there will be no compulsion to keep him on high pay while working on a low job, such as a porter at the Railway Station.

Lucas Take the job we were talking about ... lorry driving; you say that the Native will be preferred, because he will do more of the necessary jobs than the White man will do?

Seme Yes, that is what I say.

Lucas Now, is the answer not then that the White man must learn to do those accessory jobs or be willing to do them in the same way as a Native would?

Seme My experience is that the White driver wants more; he will want a boy to water his horse and so on.

Lucas The remedy lies in the hands of the White man being willing to do those additional jobs in the way the Native does them?

Seme No, sir, not altogether. What I mean is, it lies with the employer ... the employer should be free to engage whoever is efficient for his services, irrespective of colour.

Lucas It is a very important factor in South Africa today, that fear of the White man being ousted from certain occupations. We have got to face that fact....

89

Grosskopf confirmed Seme's explanation:

Among the very poorest, who cannot exist without help, one still finds that they often think it necessary to have a little native servant. On the Labour Settlement at Losperfontein it was in some ways a problem how to prevent this. In various parts of the country reliable persons mentioned instances of poor men who had come almost begging for work (like planting trees, trimming a hedge, white-washing walls), and who, when given a job, subsequently appeared accompanied by a Kaffir whom they in their turn had hired to do the work. Perhaps they felt themselves to be, in a way, contractors who had to execute the job with their workmen.

90

89 NEC 1930-1932, oral evidence of Pixley Ka Isaka Seme, principal founder of ANC and its president, 1930-1937. Seme studied law at Jesus College, Oxford, and was admitted to the Bar at Middle Temple in London, 1910. He returned to SA in the same year and established himself as an attorney in partnership with Alfred Mangena. Seme launched the ANC newspaper Abantu-Batho in 1912. He was elected to the presidency by conservative vote in 1930, ousting the radical faction led by Gumede by a vote of 39-14.

90 Carnegie Commission, part 1, p 176

He went on to say how this tradition had been entrenched and encouraged by government policy:

The unfortunate result is that many persons have come to feel that they have a right, because they are of European descent, to demand higher wages apart from the quality of their work. It is still sadder that there are people who encourage them in such an attitude - often men who want to make use of the poor in their own interests or for personal honour. It is especially regrettable that men with ambitions for elective posts sometimes suggest irresponsible and impossible demands to the poorer voters. Disappointment and dissatisfaction usually result, or the incentive to personal exertion and increased efficiency is weakened.

91

Under these circumstances, inevitably the businessman would try to evade the artificial restrictions introduced to coerce him to give preferential employment to white workers at higher wages. It is important to remember too that it was illegal for Africans to strike;⁹² that conditions of service under the various Industrial Agreements excluded pass-bearing employees;⁹³ and that wage scales for Africans were set at a lower rate. The reasons why Africans scored over the poor whites become even clearer.

The Africans' advantage over their poor white counterparts was of course only relative at such a low economic level. This the government ignored. Instead they argued that the Africans were in a stronger position because of their capacity and preparedness to accept a low wage. The rationalisation here was that most Africans could rely on an extra income from the reserves. Or, to recall MacMillan's accurate interpretation again: 'the South African idée fixe is that the Native is a lucky being, able to live on very little, working only when it suits him - passing lightly between town house and country seat' from their 'idyllic houses' in the

91 *Ibid*, p 177 and also part 5, pp 77-78

92 The Native Labour Regulation Act 15 of 1911 making a criminal offence of the breaking of what is, in common law, a civil contract, so that the party, whether master or servant, who commits a breach of the contract of service is exposed not only to an action for damages, but to criminal prosecution. For example, at the Iron & Steel Works, Pretoria, Africans asked for 6d a day on their pay. They were told that if they did not want to work they could go. They left their work, were arrested, charged and convicted of breaking their labour contracts, and sentenced to fines of 5/- or 10 days' hard labour. *The Star*, 30 April 1935 quoted by Phillips, p 4.

93 Industrial Conciliation Act 11 of 1924, as amended by Act 24 of 1930. "Employee" ... shall not include a person whose contract of service or labour is regulated by ... the Native Labour Regulation Act, 1911, or by the Natives' (Urban Areas) Act, 1923.' See also J L Dube, 'Industrial organisation of the native people', *Report of the National European-Bantu Conference, Cape Town, 1929*, pp 141-147.

reserves.⁹⁴ The detribalised Africans, they said again, enjoyed an unfair advantage because their needs were 'primitive' and their standard of life low, so they were prepared to 'undercut' their poor white counterparts. In short, it was the Africans who were keeping the poor white class depressed.

Such arguments arose ad infinitum from witnesses throughout the two-year period of the NEC's investigation, and there is ample evidence that certain members of the commission accepted them. Consider this typical line of thought from Frankel in discussion with the chairman, Dr Holloway:

Dr Holloway Speaking absolutely and without considering the slightest what the immediate effects are, I think one would say that ultimately the benefits of cheaper methods of doing the same thing redound to the whole community - ultimately. But it may take a very long time. In the meantime one has to see the practical position that in every society where you have different layers of civilisation, the lower layers are continually undercutting the higher, and as a matter of fact in world trade it is becoming, as you know, a very grave problem, how to prevent the undercutting of the standards that have been held up in more civilised countries by less civilised countries. Ultimately of course the only remedy is a levelling up of the lower civilisation to the higher civilisations. In the meantime we have to find a modus vivendi for the various layers inside the same country. Now the position is even more complicated here than in an international sphere by the fact, which I think is pretty conclusive, that you have the European being undercut partly by the Indian, partly by the Cape coloured man, partly by the detribalised native, particularly in Cape Town. The detribalised native complains all over the country that he is being undercut by the tribal native and the imported native; and the tribal native as a matter of fact complains of the competition inside his own sphere by the imported native. You have got all these layers, and unless we can find some sort of scope for the various groups while this process of assimilation, I suppose, to the same level anyway, is going on, I don't think we have done anything to solve the problem which has been set this Commission. 95

The chairman's account of how the African could 'undercut' his white counterpart elicited a sharp rejoinder from Frankel. He refuted the assertion that Africans had the capacity and were moreover prepared to accept a lower wage than whites. This, Frankel insisted, was one of the central economic fallacies upon which an avowedly discriminatory policy was said to be justified. The chairman found this explanation unacceptable and continued:

Holloway Now either you have to admit that natives are in a position to resist lower wages because they have the reserves, or you have to reject your argument that the reserves are inadequate?

94 Macmillan, Complex South Africa, p 118

95 NEC 1930-1932, oral evidence of S H Frankel, 14 May 1931

Frankel No, sir. I thought of that. The position is this: you are arguing that a person who has a competency will therefore not care very much whether he gets relatively more or less.

Holloway I never said 'competency'. He has got something; he has not got a competency. I think it is admitted that the bulk of the natives have not got a competency in the reserves otherwise they would not be here?

Frankel Therefore he has got nothing.

Holloway No, he has got something, but it is not a competency?

Frankel There is only a misunderstanding between us which I think we will agree to in a moment. The fact that he leaves the reserves shows that the reserves, to him, do not give him that standard of life, or that protection from starvation, which he needs. Right. He is therefore forced to find other work. You argue if he goes out to get other work. . . .

Dr Roberts Contributory work?

Frankel You argue if he goes out to get other work, he will regard that as contributory, and he will hold out in the labour market for as much as possible, irrespective of the reserves? The reason he gets little is because the pressure on the urban labour market is so extreme. And if he cannot get more - let me put the contrary view - if he cannot regard that as a contribution only, you would really be arguing that he is really not a competitor who tries to make the best bargain. And there is no reason to assume that the native does not try to make the best bargain.

Holloway In actual practice, according to the evidence given before this Commission, the bulk of the natives only go out when they must have money.

Frankel You mean they are incapable of bargaining?

Lucas He may be quite capable of bargaining, but you cannot bargain on an empty stomach?

Frankel To make my point quite definite. Let us assume that there is a shortage of urban labour, and that there are the same conditions in the reserves as at the present moment, and that the shortage has had its natural effect and has raised wages. Would you insinuate that the tribal native would actually take a lower wage because he says, 'No, I don't need as much as that; I have got something in the reserves'?

Holloway I don't see the immediate relevancy of that. That is not the position that arises in the Union. The position that arises in the Union is that, firstly, a certain number of people who are supposed to make their living from tribal lands, do not do so. They come in and compete with the others who have definitely thrown in their lot with the urbanised population, and undercut them. I think we have a very large indication of that?

Frankel You are using that word 'undercutting' again. It is a meaningless term, from an economic point of view.

Lucas What word would you suggest in its place?

Frankel It is simply the fact that there is an over-supply of a particular kind of labour, or it may be commodities, which therefore are

sold at a cheaper price. This person undercuts because he cannot find work; he does not do it on an ethical or moral plane. He does not want to undercut. It is not his fault; it is not because he has got tribal reserves that he undercuts. It is because he has not got sufficient tribal reserves that he undercuts.

96

In other words the government's white labour policy had generated its own vicious circle. By restricting Africans in the amount of land they could own and through various other coercive means, they had forced Africans into the labour market. The success of state policy had created an over-supply of unskilled workers, aggravated by the various artificial means used to keep African wages down and the Africans themselves untrained. Once forced into a low-paid job, they were virtually tied there, because being an unemployed African in the white area was an offence and the threat of being endorsed out as an idle person was constant. To hold out for higher pay could even mean the loss of a job, or not being able to get one in the first place. This in turn could mean being endorsed out of the district or being repatriated to the reserve.⁹⁷

The African workers were therefore forced to accept whatever wage was offered⁹⁸ - not a case of accepting lower pay in order to 'undercut' the poor whites. In addition, the Carnegie findings show that many poor whites themselves, and many politicians too, were adamant that the poor whites had an 'inherent right' to accept wages at 'civilised rates'. That being so, one sees more clearly why Africans could bargain advantageously and why the poor whites' position got even worse.

The above outline suggests besides that in drafting the 1930 industrial Amendments the state's concern was mainly to raise the position of the poor whites. This policy conflicted with skilled white worker interests, especially those represented at the time by Madeley and the Councillites. They in turn began to oppose the state's 'civilised labour' policy. In consequence the poor whites were being ousted or kept out of employment on this front as well.

This is how Frankel summed up the paradox inherent in the state's 'civilised labour' policy:

96 Ibid

97 See chap 8 below.

98 See chap 8, pp 323-327.

The tragic irony of this state of affairs, existing as it does to the very present, is that through it all the Poor White, who has suffered most by the policy adopted, actually gave, on sentimental grounds, his political support to the very system of production under which he was being driven off the land. That policy consisted in all those legislative and traditional restrictions for holding down the Natives to the inferior, untrained and ill paid level at which it was profitable, and practically unavoidable, that they should be substituted en masse for white labour. Even now the old game continues to be played under a new name, and the poverty-stricken White is made to compete with the poverty-stricken Native in the town.

99

The socio-political significance of the poor white question has still to be explored, not least the interrelationship between poor white and poor black problems at this crucial period in the evolution of the government's race policy. However, the Carnegie and Native Economic Commissions and writings of the time show unequivocally that this interrelationship was pronounced. Both sections suffered from grave disabilities and inequalities. All the writers individually recommend that the economic underdevelopment and impoverishment of Africans and whites should not be seen in isolation, but rather as a cause and also an effect of many of the far-reaching maladjustments of the time. As Macmillan summed up:

The 'civilised' labour policy takes no account of the interests of displaced Natives. The drastic process of substitution falls hardest of necessity on the more intelligent of them, coupled as it was with a Colour Bar designed to exclude them from such skilled and better paid occupations as they might otherwise hope to fill. The fostering of industries, if need be by at once excluding and taxing the Natives, has been utterly blind to their progress. Ignoring their poverty, utterly neglecting their consuming power ... this policy makes confusion worse confounded by further depressing the backward race, adding a growing volume of semi-articulate Native resentment, making their competition with poor whites ever more acute, and the Union itself poorer in the process.

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This warning was to be ignored consistently by the government, as it had been on several earlier occasions when made by numerous state commissions. This is no more clearly demonstrated than in government action and policy toward the urban Africans. It is this aspect which now needs closer study.

99 NEC 1930-1932, typescript evidence of S H Frankel, 14 May 1931

100 Macmillan, Complex South Africa, pp 112-113

8 AFRICANS' DEMANDS AND URBAN AREAS POLICY

African unrest and the need to revise the urban areas policy

The location system, pass laws and labour control

African protest under worsening conditions

Urban areas policy revised - 1930

Urban areas policy and labour control

Stallardism in the 1930s

Urban areas policy and white worker interests

Urban areas policy and manufacturers' demands

African unrest and the need to revise the urban areas policy¹

While whites demanded more restrictive laws, Africans were protesting vigorously about their rapidly deteriorating conditions at work and home. Their actions showed fresh zeal in resisting other discriminatory practices.

The government could not have stayed oblivious to the growing unrest amongst Africans. Their response, however, was thoroughly negative. Just as they had reacted before to a new and cohesive African nationalism, so now in the late 1920s they began to over-react to an alleged threat of the already declining ICU. The ICU had first been formed to represent all African workers, in the hope of uniting them eventually in a single union with statutory recognition. As a movement that the mass of workers could identify with, it had eclipsed the ANC in the twenties.² This was understandable, since the ANC was spearheaded by the African elite and concerned itself more with political issues. The ICU's concern with bread-and-butter issues had a far greater impact, especially with the rapidly sinking economic and social position of the Africans. Eddie Roux, intimately involved at the time with the African trade union movement, described this impact as follows:

In this atmosphere of dissatisfaction the newly formed I.C.U. spread from Cape Town like a veld fire over the Union of South Africa, first to the seaport towns of Port Elizabeth and East London, then to the country districts of the Central and Eastern Cape Province, then to the Orange Free State, then to Johannesburg and the Transvaal. In

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- 1 Davenport, 'African townsmen?...', 'The triumph of Colonel Stallard...', 'The beginnings of urban segregation...', *South Africa ...*; D Welsh, 'The growth of towns' in Wilson & Thompson (eds), v 2; Shannon.
 - 2 For analysis of the ICU, its rise and fall, see V Brittain, *Testament of Friendship: The story of Winifred Holtby*; P Bonner, 'The decline and fall of the ICU - a case of self-destruction?', *SA Labour Bulletin*, v 1, 6, 1974; Hutt; S W Johns III, 'The birth of non-white trade unionism in South Africa', *Race*, v 9, 2, October 1967, and 'Trade union, political pressure group, or mass movement? - the Industrial and Commercial Workers' Union of Africa' in R I Rotberg & A A Mazrui, *Protest and power in black Africa*; C Kadalie, *My life and the ICU: The autobiography of a black trade unionist in South Africa*; L Kuper, 'African nationalism in South Africa: 1910-1964' in Wilson & Thompson (eds), v 2; R Leslie, 'Coloured labour and trade unionism in Cape Town', *The Journal of the Economic Society of SA*, v 3, part 2, 6, 1930; E Roux, *Time longer than rope and S P Bunting: A political biography*; H J & R E Simons, *Class and colour in South Africa 1850-1950*; Walshe; P L Wickens, 'General labour unions in Cape Town 1918-1920', *SA Journal of Economics*, v 40, 3, September 1972, and 'The one big union movement among black workers in South Africa', *The International Journal of African Historical Studies*, v 7, 3, 1975.

the words of a writer in the London Times: 'The genuine grievances of the South African Natives provided the hotbed in which the I.C.U. flourished. Rack-rented Natives in the urban locations, underpaid Natives in Government employ, badly treated Natives on European farms, flocked to join the movement.'

3

At its height the ICU claimed a membership of 100 000⁴ indicating that African workers wanted an outlet for their grievances.⁵ Their main complaint was the burdensome restrictions. Increasingly Africans were being drawn into the complex of a money economy by circumstances beyond their own control and in most cases specifically designed to force them into the labour market. Driven by these forces, many over the years had become progressively urbanised and wholly dependent upon wage earning for a livelihood. What is more, many took very well to industrial jobs and developed a real taste for urban life. But it was also true that neither wage rates nor job opportunities had kept pace with the changing needs and developing capacities of the so-called detribalised African urban dweller. The bulk of work over the whole of industry was unskilled because it was labour intensive and Africans were paid according to traditional rather than economic rates. This produced an impoverished African class, the counterpart of the poor white.

The Africans, moreover, were well aware that for the most part their progress was being deliberately and artificially checked for reasons that had nothing to do with the level of technical progress in South African industry. The Martindale & Sophiatown Ratepayers' Association, a group of men who had suffered under discriminatory laws themselves, expressed their resentment:

we cannot but feel ashamed that it is possible for civilised man to be oblivious to a process of natural law. The historical records of this country abound with the evidence of the inevitable reactionary consequences of laws which are opposed to the natural operation of the law of economy and which knows and recognises no colour bars. The law of economy has a natural process which operates in an absolutely opposite direction from all artificial machinations of man. We have witnessed the force of its power in the existence, in a young and virgin country like ours, of poor whites and unemployed. In order to create counter-agencies against it, our Statute-Books are full of laws designed to divert its course. They are ofcause [sic] artificial barriers which have succeeded to disturb and to disorganise the labour market and set up values on the colour of individuals, irrespective of capacity and efficiency of the individual. The

3 Roux, Time longer than rope, p 156

4 Estimates vary on the actual paid-up membership. See P L Wickens, 'The Industrial and Commercial Workers' Union of South Africa', unpub seminar paper, Conference of Southern African Labour History, African Studies Institute, University of the Witwatersrand, 1976.

5 C Kadalie, My life and the ICU

labour market has in consequence been handicapped and deliberately inundated for the purpose of keeping wages at the lowest possible level. The Industrial Conciliation Act and the Wage Act seek to entrench the policy of 'white-ism' and to disregard the interests of non-white workers; while the pass laws, Masters and Servants Act, Native Labour Regulation Act and the Natives (Urban Areas) Act all seek to perpetuate a policy of top-doggism and to entrench a system of cheap labour which drags the economic prosperity of this country to a disreputable level. Industrial development is being retarded and arrested; and the home market sacrificed at the Altar of 'white-ism'.

6

So Africans knew they were being barred from certain positions, not because of incapacity or inefficiency but because of the colour of their skins. They were aware that jobs such as that of a railway porter (mentioned by Dr Seme)⁷ were reserved for unskilled whites at a 'civilised' rate of pay, and thereafter closed to Africans. Naturally their resentment increased. When the stigma traditionally attached to 'kaffir work' was suddenly removed, these tasks formerly done efficiently and well by Africans were upgraded and suddenly seen as fit only for 'civilised' men. If a like task was performed in the other segregated field by Africans, it was done for 'kaffir pay'. African bewilderment, frustration and anger at these terms is both readily and easily understood.

The shibboleths were many. 'Africans were prepared to accept lower wages; 'they were paid what they were worth'; their needs were 'primitive' and they were 'accustomed to a low standard of life'; they were 'inherently incapable of carrying out the tasks associated with the civilised western way of life'. Not that these fallacies caused the rift between 'civilised' and 'kaffir' work in this transitory phase of inter-racial competition. That was largely done by the spectre of poor white degradation and despair. But people quoted the myths about African otherness to justify the two grades of work.

As more Africans became educated, they inadvertently made the work rift worse. Aware and aspiring, they symbolised a social change that was anathema to most whites, and the state set out to ensure that this small but vocal group would not undermine the whites' view of their own superior status.

The continued failure of whites to observe the hopes, aspirations and grievances of the Africans, the depression, drought, steady impoverishment of the reserves - all these increased inter-racial tensions and led to a period of acute

6 NEC 1930-1932, typescript evidence of the Sophiatown & Martindale Rate-payers' Association, Benoni

7 Quoted in chap 7, p 277

unrest similar to that which had followed in the wake of the recession after the Great War. A growing number of whites were insisting, as they had done in the early 1920s, that the country's economic ills which had led to this situation could be traced to the uncontrolled influx of Africans to the 'white' urban areas. A remedy would have to be found for the 'native problem'. Increasingly, whites said that the government would have to deal with the urban Africans as a root cause.

Opinions ranged on policy. At the one extreme there were those who believed in the total segregation of Africans and whites, on all levels including the economic; while at the other were a good many whites who supported the 'Cape liberal' ideal of gradually assimilating the 'civilised' Africans. It was within these two parameters that the revised urban areas policy was debated in 1930 when Hertzog reintroduced the Natives' (Urban Areas) Amendment Bill.

Colonel Stallard, who had been appointed to chair the Transvaal Local Government Commission on urban policy in 1922, continued in 1930 to behave as a self-appointed authority on urban problems. He insisted - as he had under similar circumstances in the early 1920s - that the problem of white unemployment, inter-racial competition and the shortage of labour for the primary sectors was caused, as he put it, 'by the presence of this "redundant" black population in our urban areas'.⁸

He said the only remedy was to limit and immediately cut down on Africans in urban areas. (This was an elaboration on his earlier doctrine.) During the second reading on the Natives' (Urban Areas) Amendment Bill, he appealed:

whether the time has not come to take a bold step ... to say not only whether the gates should be closed but reduce the numbers of natives who are there, because unless that is done, I believe we are leaving the whole question of the relations between white and black in urban areas only half solved. 9

Surely the 1923 Act, he continued, giving his original view,

embodies as a basic principle the treatment of the whole of the black population within the towns as being subordinate to the interests, and desires and aims of the white population which is there. 10

8 A 'redundant' African was 'one who was required to administer to the wants of the white population, but does not include the native who ministers to the needs of his fellows within the municipal areas' - Colonel Stallard, House of Assembly Debates, 30 January 1930, col 228.

9 Ibid

10 Ibid

Until recently it has been widely held that the 1930 Natives' (Urban Areas) Amendment Act was a further commitment to Stallardism. In a series of papers on urban policy, however, T R H Davenport has shown unequivocally that this was not so. As he says,

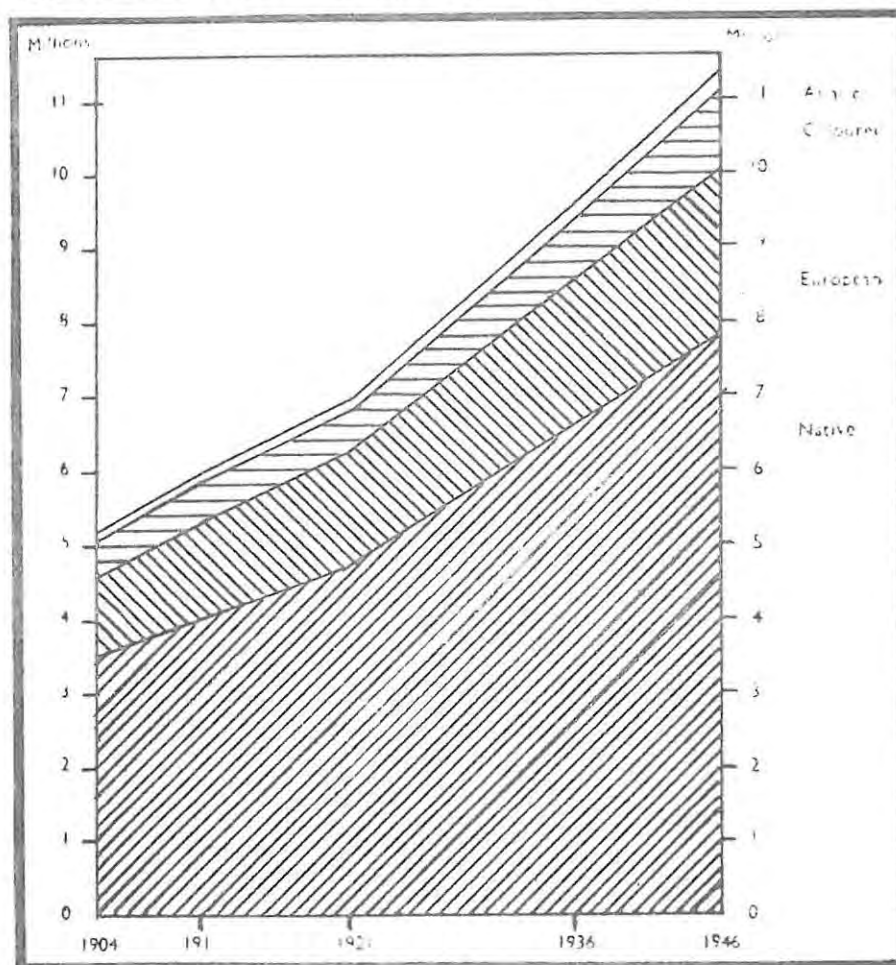
One thing which the legislators of 1930 clearly did not have in mind was the control of African influx into the towns as such. Provided there was work to be done there, Parliament was prepared to let them in to do it. A few speakers, and among them notably Colonel Stallard, saw the immigrant black worker as the white man's competitor - a natural enough reaction during the depression; but the shortage of work in the towns was as often attributed to white immigration from the rural areas as to black. Perhaps equally important, men doubted whether this influx could in fact be stopped. 11

The theory of Stallardism enunciated in 1921 was being called into question again in 1930. African influx to urban areas had speeded up during the depression, and inter-racial conflict and tension were aggravated by the retrenchment and high rate of unemployment amongst whites generally and poor whites in particular. Yet, except for Piet Grobler (then Minister of Agriculture) and Heaton Nicholls (an arch-segregationist), Stallard's proposals were firmly rejected by Parliament.¹² We shall consider this almost total rejection, but first we must see why it was felt necessary to revise the urban areas policy at all and what alternative to Stallard's solution was accepted.¹³

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- 11 See Davenport, 'The triumph of Colonel Stallard', p 83, and Welsh, 'The growth of towns', p 187. The NEC also recognised this: 'It is perfectly clear that a considerable number of Natives have become permanent town dwellers. No good purpose is served by disregarding this fact, or by acting on the assumption that it is not a fact' (UG 22-32, p 72).
- 12 Stallard also tried persuading the Joint Select Committee to accept an amendment to the Natives' Representation Bill which would include measures for influx control. This the JSC rejected on 7 May 1930. He reintroduced his proposals as an amendment to the Natives' Land Bill on 13 March 1931. The Committee rejected this too. But on 4 March 1932 and 27 April 1932 the JSC did an about turn. They then agreed with Stallard that the number of Africans entering the urban areas should be limited; an occupational census should be taken and redundant Africans should be removed from urban areas. See the supplement to JSC 1-1935, pp 18, 35, 81 and 97, also appendix A (1933), p 730, for each of the three dates. The Committee's acceptance of the Stallard proposals is analysed in the concluding chapter.
- 13 It is impossible to describe in any detail here the manifold grievances voiced by Africans at the time. We can only choose those grievances that are relevant to the solution in the period under discussion - ones relating to the Act passed between 1924 and 1933. Moreover, no enquiry into African economic conditions can follow the usual lines of analysis into white socio-economic conditions, looking at family budgets, prices and so on. What facts we have about Africans are confused by such things as paucity of information, and failure to differentiate between urbanised and migrant workers.

On the failure of the Act, municipal authorities blamed the increased and uncontrolled influx of both Africans and whites to the major cities. The rate of urbanisation was unprecedented, as the following statistics show. In the Union as a whole the inter-censal rate of increase in the different population groups can be depicted thus:

Table 8.1 RACIAL COMPOSITION OF THE POPULATION OF THE UNION 1904 - 1946 14



The average annual percentage increase in the population as a whole was:

Table 8.2 AVERAGE ANNUAL % POPULATION INCREASE 15

Race	1904-1911	1911-1921	1921-1936
White	1.93	1.76	1.86
African	2.03	1.57	2.29
Asiatic	3.12	0.86	1.90
Coloured	2.41	0.37	2.32
Total av.	2.07	1.49	2.19

14 Social and Economic Planning Council report 13: Economic and social conditions of the racial groups in South Africa, UG 53-48, p 9

15 Ibid, table 1, p 13

Between 1921 and 1936 the various race groups were distributed as follows:

Table 8.3 DISTRIBUTION OF RACE GROUPS 1921 - 1936 16

Race	Urban	Rural	Total
Whites			
1921	847 508	671 980	1 519 488
1936	1 307 386	696 471	2 003 857
Africans			
1921	587 000	4 110 813	4 697 813
1936	1 141 642	5 455 047	6 596 689

Although there was a high percentage rate of increase for all urban population groups between 1921 and 1936 - whites 3.6 per cent, Africans 6.3 per cent, Asiatics 12.3 per cent, and coloureds 4.4 per cent¹⁷ - compared with the growth in the Union population as a whole, the urbanisation trends for the various population groups were uneven. These are shown in the following table:

Table 8.4 PROPORTION OF EACH RACE GROUP IN THE URBAN AND RURAL AREAS BETWEEN 1904 & 1936 18

Race	Year	Urban	Rural
Whites	1904	52.91 %	47.09 %
	1911	51.70	48.30
	1918	53.94	46.06
	1921	55.78	44.22
	1926	58.18	41.82
	1931	61.25	38.75
	1936	65.24	34.76
Africans	1921	12.50	87.50
	1936	17.31	82.69
Asiatics	1921	30.90	69.10
	1936	66.27	33.73
Coloureds	1921	45.82	54.18
	1936	53.91	46.09
Non-whites total	1904	15.00	85.00
	1911	17.45	82.55
	1921	16.42	83.58
	1936	22.44	77.56
All races total	1904	23.18	76.82
	1911	24.74	75.26
	1921	25.05	74.95
	1936	31.38	68.62

16 Report of the Native Laws Commission 1946-1948, UG 28-48, p 6

17 *Ibid*

18 Figures taken from Report of the Native Laws Commission 1946-1948, UG 28-48, p 6; Official report of the 1936 census, UG 21-38, p 5; Union Year Book 8, 1910-1925, p 861; Union Year Book 22, 1941, p 993.

These figures confirm the claims made by municipal authorities. The white move to town from the rural areas had accelerated from 1911 onwards, while that of Africans grew after 1921. Although the rate was proportionately smaller in absolute terms, there was an increase of Africans over whites during that time.

In considering the problems faced by urban authorities, it must be remembered that not all towns were forced to accommodate this influx. The following tables show that in 1936 one third of the urban population lived in three out of the 455 towns, and almost half the urban population lived in the five largest towns. The spread was as follows:

Table 8.5 DISTRIBUTION OF URBAN POPULATION BY RACE (1936) 19

Size of town	No	Total popn	Non-white	White
500 000 and over	1	519 384	261 713	257 671
250 000 - 500 000	2	603 829	335 384	268 445
100 000 - 250 000	2	238 462	108 066	130 396
50 000 - 100 000	8	534 849	349 839	185 010
25 000 - 50 000	4	160 105	105 993	54 112
10 000 - 25 000	13	209 014	123 471	85 543
5 000 - 10 000	27	211 790	122 024	89 766
2 500 - 5 000	70	241 626	141 878	99 748
Under 2 500	328	341 793	191 489	150 304
Total	455	3 060 852	1 739 857	1 320 995

The following table analyses the position in the largest towns more closely:

Table 8.6 DISTRIBUTION BY RACE IN THE LARGEST TOWNS (1936) 20

Town	White	African	Asiatic	Coloured	Total
Cape Town & suburbs	173 412	14 160	3 740	152 911	344 223
Port Elizabeth	53 461	28 290	2 459	25 631	109 841
East London	31 311	24 388	853	4 011	60 563
Kimberley	15 741	14 499	977	9 014	40 231
Durban	95 033	68 698	88 226	7 649	259 606
Pietermaritzburg	22 446	15 671	9 088	2 334	49 539
Witwatersrand area *	402 223	570 726	14 183	30 058	1 017 190
Pretoria	76 935	45 312	2 982	3 392	128 621
Bloemfontein	30 291	31 042	8	2 892	64 233
Total	900 853	812 786	122 516	237 892	2 074 047

* includes the whole urban area of Johannesburg and the Witwatersrand mining area

19 From Union Year Book 8, 1910-1925, p 861; Union Year Book 22, 1941, p 993

20 *ibid*

The remaining 70 per cent of towns in the Union had populations of less than 2 500. Their attitude to a state urban policy and their demands would thus be very different from those of the large urban centres. This emerged clearly when the state tried to devise a uniform policy to deal with Africans in the urban areas.

In his analysis of the failure of the 1923 Urban Areas Act, which was the first attempt at a uniform policy, Davenport points out that local authorities had encountered 'special difficulties over the administration of the Act'. Before the depression, he suggests, few municipalities had seen the need to use the pre-existing powers and regulations offered in the Principal 1923 Act:

Given the large number of urban local authorities then existing in South Africa, these statistics do not give the impression that they were impatient to grab the new powers which the law made available. In fact, there was little interest in the white-controlled municipalities over the improvement of location life, and some apprehension in the smaller towns that the adoption of the Act would greatly increase their obligation to spend money. 21

With the depression, complaints increased and municipalities clamoured for extra powers to deal with the 'native problem'. Their demands were mainly to do with the physical distress of both Africans and whites during mass unemployment. This, aggravated by the vast influx from the country, engendered a common fear that inter-racial conflict, which had already broken out, would spread.²² All this forced local authorities into action.

The 1923 Act was hopelessly inadequate for the crisis, they said. Some authorities simply called for the review - and amendment if need be - of existing rulings on urban Africans. But others demanded direct state intervention, which meant more centralised control, and financial aid for their part in local affairs.

21 Davenport, 'The triumph of Colonel Stallard ...', pp 79-80. Davenport quotes these statistics: 64 urban locations proclaimed under section 1, most of which had existed prior to 1923; compulsory residential segregation in 26 towns; 31 urban areas in which service contracts had to be registered under section 12; 18 municipalities had applied for housing loans and between them received £135 000.

22 During the second reading debate on the Riotous Assemblies Amendment Bill, the Minister of Justice pointed out, 'in many areas, as at Potchefstroom and Carnarvon and latterly at Rawsonville the white population will defy the law in an organised and armed manner with disastrous results ... if we reach the position where the natives are sullen and restive, and the white population is arming itself, our present police force will be quite incapable of maintaining order'. House of Assembly Debates, 20 March 1930, col 2152.

The location system, pass laws and labour control

There is little doubt that these demands were immediately related to the worsening crisis. As R Colson, the Assistant Magistrate of Johannesburg, reminded the NEC, whites had clamoured for powers to deal with an urban crisis under very similar circumstances a decade earlier. In fact, he looked back even further in time:

There has been some stirring of the European conscience in regard to Location conditions, due partly to humanitarian ideas, but chiefly to fear of having plague beds in the immediate vicinity of the European population.

The lessons of the bubonic outbreak in Johannesburg in 1905 and of the influenza epidemic in 1918 have not been forgotten altogether. 23

Given powers for the crisis in 1920, few had bothered to use them. The Durban situation is indicative of this. There

the African urban population was growing fast, women were settling in Durban in larger numbers, and grievances were accumulating, such as inadequate housing for families and the humiliating precautions taken by the municipal authorities against the spread of typhus. 24

Matters like these inflamed African unrest and played into the hands of the Natal ICU leader, George Champion, 'whose talent', Wickens writes, 'for exploiting grievances fell little short of genius'.²⁵

Africans and whites had some common ground. People were critically short of accommodation so that sites were turning into slums and the unhygienic shanty-towns inevitably mushroomed. It was all a grave reminder to both groups of those earlier episodes, and everyone saw the urgent need for relief measures. But here the accord between African and white outlooks ended.

For while urban officials were demanding extra powers so that they could force all but exempted Africans to live in the segregated locations, Africans (though not opposed to the creation of separate areas) were asking for the unrestricted right to buy land in freehold which, as one witness said,

23 NEC 1930-1932, typescript evidence of R Colson, Assistant Magistrate of Johannesburg

24 Wickens, 'The Industrial and Commercial Workers' Union ...', p 8

25 Ibid

would relieve the present congestion in Native locations, and also improve civic life amongst the Natives. There is a great need for certain townships to accommodate the growing and permanent urban Native population.

26

Government officials agreed that this issue was important and needed settling one way or another, but tended towards a far more pragmatic and bureaucratic line. Government policy would not work under the 1923 Urban Areas Act, they complained. The chief administrative man in the NAD, Major Cooke, stressed that

the question of the establishment of Native Townships outside, but in the vicinity of, industrial and urban areas has arisen in certain instances and has not yet been decided.

27

The reason no firm decision had been taken was that

the increasing growth of the Native population of urban and industrial centres has created a class of Native who is desirous of acquiring definite and permanent residential sites in the vicinity in which they are or have been working. They aspire to be free from the irksome restrictions which are associated with the Municipal Native Location.

28

He reminded the commissioners that this excluded all pass-bearing Africans who under the 1923 Act were expected to live in the segregated locations. His staff had been unable to enforce the law because of certain loopholes in the Principal Act.²⁹ But the main reason why Africans resisted going to locations, he said, was the 'irksome restrictions' they found there. This was confirmed by Johannesburg municipal officials who complained that houses in Orlando stood empty while the backyards of African houses in the unproclaimed municipal areas were crammed with Africans who had found a way of evading the segregation law.³⁰

According to Cooke, the limited powers of proclamation under the 1923 Act were partly responsible for this evasion. The courts had ruled out enforced

26 NEC 1930-1932, oral evidence of Dr Pixley Ka Isaka Seme, 6 May 1931

27 NEC 1930-1932, typescript evidence of Major H S Cooke, Director of Native Labour and Chief NC, Witwatersrand. Note the fact that even in 1931 the question of creating a permanent African urban population had not been decided. See third term of reference: '... the residence of Natives in urban areas and the measure, if any, to be adopted to deal with the surplus Natives in, and to prevent the increasing migration of Natives to such areas'. UG 22-32, p 3.

28 NEC 1930-1932, typescript evidence of Major H S Cooke

29 See n 8.31 below.

30 Davenport, *South Africa ...*, p 340

segregation unless 'suitable' alternative accommodation was provided.³¹ Local authorities, rather than become involved in costly legal proceedings, had therefore eased up on enforcing the segregation clause in the 1923 Act.

Even more hampering, perhaps, were the geographic limits of municipal control. Restrictions and regulations applicable to municipal locations could not be implemented in unproclaimed freehold areas within municipal boundaries. Freehold areas such as Sophiatown in Johannesburg, Lady Selborne in Pretoria, and Korsten in Port Elizabeth had grown overcrowded in consequence, Cooke said. Peri-urban African freehold areas such as Evaton and Alexandra township – which fell outside municipal control altogether – were also a strong attraction for Africans seeking a permanent place to stay in the towns. On the outskirts of almost every town or city, especially where local authorities had failed to set up proclaimed locations, 'squatter' locations had sprung up to serve the town's needs. These areas inevitably grew degraded and unhygienic with the mass influx from the farms and reserves owing to the depression and drought, as Cooke explained. It was in those areas, he went on, that the more serious problems arose because Africans there were free of the 'irksome' controls.

The hundreds of African witnesses certainly confirmed Cooke's assessment. Xuma touched upon it in his evidence.³² In terms that would have angered every white impressed by the 1923 Act, Xuma denounced the location system. To Africans, he said, any good the Act did was outweighed by the dreadful conditions Africans had to endure in these proclaimed areas. Slums proliferated. Many Africans showed a determination to live outside municipal locations, even if it meant contravening the law, and this pointed to the true position. He went on:

31 Formerly no request by any urban authority for the issue in respect of its area of a proclamation under section 5 could be entertained until the NAD were satisfied that adequate and suitable accommodation was provided for Africans who under such proclamation were required to live in a location, 'native village' or hostel. In the cases of Solly Abelman v Rex TPD and Lammas v Rex EDCD, however, the Supreme Court held that the mere provision of a dwelling site in a location would not suffice for the efficacy of such a proclamation and that housing accommodation must be provided for the natives affected. The result was that the section was rendered largely inoperative, as not many local authorities were in a position to show in advance that they had provided enough houses in their locations for all natives to be removed from the town. Under the 1930 Amendment Act urban authorities could procure the proclamation of an area for segregation purposes even though it had not provided the requisite housing accommodation. UG 22-33, p 281.

32 NEC 1930-1932, typescript evidence of A B Xuma

even accommodation which is available for occupation by Natives is often not conducive to decency and self-respect because of the general surrounding and environment.

The Location Compounds with their iron bar fences, houses that are small and alike, and guarded gates are wrong in principle besides being objectionable in suggesting either slavery or prison life rather than homes of free men and women.

Lodgers' fees and arresting of people or auctioning their furniture to make up the rent due before one is ejected are aspects of Location life that seem to cause a real grievance against the system. In principle they are wrong and objectionable even though they may be officially expedient.

33

Why was it necessary, as another witness commented, to 'deliberately herd something like 13 000 people into a location with only two gates, one of which is usually kept closed'?³⁴

Cooke replied to this. His evidence showed that the location system and its adjunct, the myriad of pass regulations, were essential for the urban policy as part of influx control. Lucas addressed Cooke on this point:

today do you think you can control the Natives who do not apply for permits to seek work and who try to remain here for a long time?

Cooke To a very great extent, yes.

Lucas Why can you do that when quite a number say they cannot do it, that it is not really a feasible proposition?

Cooke I think they could if they organised; lack of organisation is the chief reason for failure in that regard.

Lucas Now taking affairs as they are today, do you think all that elaborate machinery is necessary; do you think there would be much more influx into the towns today than there is if you did not have that machinery?

Cooke I will not say there will be more influx; there will be a greater tendency for Natives to remain unemployed and to frequent haunts of vice and become vitiated.

Lucas Why do you think there would be more if you did not have the passes?

33 *ibid*

34 NEC 1930-1932, joint oral evidence of H D Tyamzashe and T Mbeki, 18 May 1931. Henry Tyamzashe ran The Workers' Union, mouthpiece of the ICU, and then New Africa, the paper of the Independent ICU. A former chief lieutenant of Kadalie before the ICU's demise, he was arrested in East London in 1930 and then discharged. Thomas Mbeki, one of the first African recruits of the Young Communist League, joined Kadalie's ICU when it moved to Johannesburg in 1924, serving as Transvaal Provincial Secretary for a time. When Communist Party members were expelled from the ICU executive in 1926, Mbeki chose to stay in the ICU. See Karis & Carter, v 4.

Cooke One of the major incentives to conforming to the rules laid down would be lacking. Putting it as a test, you see, every now and then the police do - and they regard it regrettably as necessary - have raids or the stopping of Natives with the idea of examining their passes. The passless Natives are then usually shepherded along to the pass office to have their identity tested and the percentage of people that you get among that who are idle and dissolute is very high.

Lucas Is not the percentage today without passes a very small one of the total number?

Cooke Yes.

Lucas It does give me an impression rather of using a steam hammer to drive in a tin tack. 35

So it appears that passes were necessary firstly to force Africans to keep to the rules. A second claim made was that pass laws kept the idle and dissolute out of the towns.³⁶

Cooke ... the method adopted was to stop Natives as they were leaving the location and ask them to produce their tax receipts, they were given an opportunity of securing them; and I supply a staff of clerks to go with the raiding party and any Natives who are prepared to pay are then given the opportunity of doing so.

Lucas That is not a raid in the usual sense; that was merely closing the gates?

Cooke That is virtually what it was; that is the practice usually adopted as regards taxes. 37

African abhorrence of the pass laws was not only on this account, however. They resented the power given officials to proscribe work seekers in a specific area. Many witnesses described how their privacy had been completely violated by these laws;³⁸ others decried the penal sanctions involved, which led to innocent people

35 NEC 1930-1932, oral evidence of Major H S Cooke, 4 May 1931

36 This is corroborated by Phillips - see his section 'Native crime on the Witwatersrand' and analysis of predominant 'technical' and 'criminal' offences there, pp 176-182. Phillips queries the assumption and states, 'The charge has not infrequently been made that the type of man entering police service has deteriorated and that promotion in rank depends upon energy in arresting offenders.' (Ray Phillips gives valuable detail on crime rates in his excellent book, *The Bantu in the city*.) See also *Report of the Police Commission of Enquiry 1937*, UG 50-37, para 60, and *Rand Daily Mail*, 28 November 1934, article on 'Roll of honour' in the police force.

37 NEC 1930-1932, oral evidence of Major H S Cooke, 4 May 1931

38 This was the grievance of most African witnesses. See also UG 22-32, paras A 360, 728, 731; and UG 41-22, para 137.

being branded as criminals for technical offences.³⁹ Ray Phillips analyses in detail the technical crimes committed under measures applying to Africans alone, and compares these with crimes committed by all races.

Table 8.7 PREDOMINANT OFFENCES, WITWATERSRAND AREA 40

Offence	Convictions			
	1931	1934	1935	1936
Possession of native liquor	18 857	32 378	37 814	41 451
Natives (Urban Areas) Act	15 603	31 444	22 014	2 209
Municipal offences	10 661	17 598	18 850	18 139
Native Labour Regulation Act	17 608	17 574	18 024	14 511
Location regulations	602	4 460	9 070	13 886
Native pass laws	9 131	3 487	15 844	32 438
Native Taxation Act	2 068	3 380	3 861	2 446
Illegal possession of 'other' liquor	1 628	3 066	2 267	1 251
Mines and Works Act	1 033	1 287	1 099	939
Drunkenness	10 077	15 885	13 077	11 039
Common theft (under £5)	2 789	3 457	3 432	3 678
Common assault	2 363	2 479	2 623	2 731
Assault with intent to do grievous bodily harm	1 554	2 050	2 361	2 862
Breach of the peace	1 186	1 942	2 040	2 548
Motor vehicle ordinance	454	886	648	956
Dagga laws	644	1 016	1 083	1 154
Housebreaking by night	494	687	586	508
Trespass	927	402	3 520	7 086
Cycle theft	360	636	643	689

The number of convictions of African offenders in the Union, under Union provincial and municipal laws, in 1936 was as follows:

Total number of contraventions	459 911
Offences under Native Taxation Act	62 941
For possession of native liquor	68 012
Native pass law offences	62 864
Urban Areas Act, municipal, labour and location regulations	108 692
Serious offences (4.05% of total)	18 643

Statistics supplied by Director of Census & Statistics, Race Relations, February 1938

39 Report of the Police Commission of Enquiry, paras 296-298, confirmed the findings of the NEC cited in n 8.38. See also Phillips, chap 5.

40 Phillips, p 177

Thus,

The total offences for 1936 which are peculiarly African – those created by statutory acts and regulations under those acts – reach the remarkable total of 125 032, or 77,79 per cent of the total offences (160 729) shown on the schedule. Even this large number would be considerably increased, were it possible to determine what proportion of assaults, breaches of the peace, housebreaking, drunkenness, and trespass, were due directly or indirectly to the laws applying only to Africans.

41

Those favouring the pass laws quoted such figures to support their opposite claim that passes were essential. After all, they said, Africans were convicted only when they were proved 'idle, dissolute and disorderly'. Passes were necessary identification for police purposes. Without passes, urban authorities would find it even harder to cope with the uncontrolled influx of Africans. Passes were defended even on the grounds that they protected African workers a bit: employers who ignored wage determinations or conditions of service agreements could be easily identified, one official said, or as another argued,

the fees payable for the monthly registration of the service contract were the only and a necessary tax upon the employers of Native workers, in the interests of the employees. The numerous duties were laid upon the municipalities relating to the housing, health, recreational and other amenities of the Natives without any tax to meet them, and it would be disastrous to rob the municipalities of this tax.

42

Cape witnesses counter-argued that the pass laws were never used to identify Africans for police purposes, and statistics could be advanced to show that the incidence of crime was not higher in the Cape than elsewhere. The NEC confirmed this. In the Cape Province, they wrote,

there is in European areas no pass law, and no complaint on this score came from that Province ... in the Transvaal, where there were 39 000 out of a total of 42 000 convictions ... the desire for the maintenance of these laws appears to be based on a mistaken view of their value and efficacy. There is no more crime among Natives in the Cape, with no pass law, than there is in the Transvaal which has a very strict law. There is no more overcrowding and no more difficulty in dealing with Natives and there are no worse Native slums in the towns, in the Cape, than there are in Natal or the Transvaal. Judging from the comparative smallness of the number of Master and Servants cases in the Cape, there would seem to be fewer desertions from farm service there than in the Transvaal.

43

41 Ibid

42 J R Brent, NAD Manager, Pretoria Municipality, address to SAIRR, January 1946, reprinted in *Race Relations Quarterly*, v 13, 2, 1946, p 35

43 UG 22-32, p 228

Furthermore, the idea that one had to be able to identify 'idle, dissolute and disorderly' Africans did rather assume that members of the other races did not suffer from these disabilities. As for protection of African workers, opponents of the pass laws pointed out that the only way was by having minimum wages and enforcing the laws against exploitation. On registration fees needed to fund location improvement, another contentious issue, Ellison Kahn showed this was a further rationalisation at the expense of Africans:

It is only recently that the proceeds of this tax have been allocated to the Transvaal municipalities. The melancholy early history under which they were first allocated for hospitals, and later, under the Financial Relations Act, it fell to the province, which in the ten years 1928-1938 collected £5 million, and spent only £1 million on Native welfare, need not be brought up here. 44

Questioned further by Lucas, Cooke agreed that these points were valid. He confirmed that the pass laws actually had very little to do with checking the numbers of criminals, loiterers and won't-works in the urban areas; he admitted there were other methods employers could use to register their workers; he accepted that the pass in itself did not stop Africans from evading registration control - it was the police who forced people to obey the rules.

Lucas then suggested that the primary usefulness of the pass system was to control labourers. This Cooke admitted:

Lucas So that really your justification for the pass system comes down to the case of new entrants into the town?

Cooke No; there is the Native who leaves one employer and he may enter a slum yard and remain there for a month.

Lucas That is a variant of the first. It is greatly a question of the control of those who are out of work?

Cooke Yes.

Lucas And your control, therefore, can be evaded even today by a Native who does not want actually to do ordinary work?

Cooke Oh, that is so, yes; but my view is that, in proportion to the relaxation of these methods of pressure, so the Natives who will not conform to the rule, will increase and you will get a very much larger proportion of the vagrant and then dissolute Natives.

Lucas Can you give us the reasons why you arrive at that; because the result you arrive at does not seem to harmonise with the general evidence we have got about Natives. You emphasise in your report the Native is very law-abiding?

Cooke Yes, that is so.

Lucas And the number of the criminal class in Johannesburg is a very small percentage of the total?

Cooke That is so. 45

This admission reflects on Cooke's remarks quoted earlier where he suggested that the failure of other municipalities to implement the various regulations was due to 'lack of organisation'.⁴⁶ Quite clearly Cooke believed that where Africans lived in the locations, effective organisation and control was a simple matter of 'closing the gates'. Then Africans illegally in the urban areas for non-payment of tax, rent, or with a pass endorsed under any one of the service contract laws for farm employees or mineworkers, could easily be caught. They would then be repatriated, endorsed out, or - in the case of the 'idle, dissolute or disorderly' class - be sent to gaol or a farm colony. In the case of pass-bearing Africans, according to Cooke, the problem was simplified. And where officials had to contend with many thousands living in unproclaimed urban areas, the threat of the pass raid was the only means of control, Cooke averred.⁴⁷

With so few controlled locations one can understand why many local authorities were finding it hard to 'organise' urban Africans along the lines Cooke suggested. This was also one of the main reasons why the government amended the urban areas laws in 1930.⁴⁸

But controlling these Africans was not half as hard again as regulating the others on the edge of most towns in so-called 'squatter' locations and in villages such as Alexandra township, for (as we have already noted) these fell outside municipal bounds altogether. So said Graham Ballenden, Manager of the Johannesburg NAD, who went on to reject flatly the idea of developing 'native villages' where Africans had freehold ownership of land:

I would say this, that with regard to the establishment of privately owned freehold townships on the borders of Johannesburg, the Council is opposed to their establishment. The fear is that they are uncontrolled areas and that you will build up a dangerous population on the border. The Council are not altogether pleased with the existence of Alexandra Township in some respects. 49

45 NEC 1930-1932, oral evidence of Major H S Cooke, 4 May 1931

46 See p 297 above.

47 See Davenport, 'The triumph of Colonel Stallard...', p 79, and p 301 above.

48 Before 1930, section 2 of the 1923 Act was still permissive, but after that date the Governor-General was empowered to proclaim areas if the local authorities refused to act.

49 NEC 1930-1932, oral evidence of G Ballenden, 12 May 1931

Lucas' rejoinder that segregated locations were preferred because they gave local authorities 'an opportunity for the big brother view' possibly sums up the whites' position best.

African resentment against the location system and the pass laws was spelt out for the ICU by Henry Daniel Tyamzashe and Thomas Mbeki. After what Cooke and Ballenden said, this other evidence suggests a new economic motive for controlling Africans:

Tyamzashe ... in Johannesburg, the Natives are given six days, to look for work – unemployed Natives, and, after six days, if the Pass Officer likes he gives the Native another chance to look for work for another six days; after the second six days, the Native is transferred to another part of the Reef, where he may not have friends, – and the Government is not concerned how he gets there. He is unemployed, as you will understand, and he has got either to walk to that place, or to get there somehow. Many Natives try to avoid this position, and it leads them into crime or desperation, as I have said there in my statement, and dissipation. [sic] We have had many cases like that. I think the Commission will see that it is a very unreasonable attitude to take up towards an unemployed man.

Mbeki ... Another thing mentioned by my friend is with regard to Natives seeking work. There is a deplorable state of affairs. If the Native is taken to the Native Affairs Reception Depot – even if he has got a friend, he cannot stay with his friend unless he has his own receipt to show he has got a particular friend.

Chairman What receipt?

Mbeki He must have his own receipt to say he has a house in town.⁵⁰ There is another thing which I think the Commission should take notice of; it is the fact that ... I have seen a lot of employers there [at the Reception Depot]; immediately they come there to get some Native employees, they generally choose which employees they want The people are there simply because they must have their boys and these boys must be under the Pass System.

What I mean is this; an employer goes there. They know the Native cannot go there unless they have a pass, and they can offer their services for any amount of money.

51

These remarks applied to the northern provinces where it was illegal for

50 Under local authority regulations, lodger's permit, permit to enter a location. See GN 1546 of 1924, as amended by GN 1962 of 1924, 191 of 1925, 1894 of 1926, 657 of 1927, and 1562 of 1928. See also UG 22–32 for special pre-Union laws in the various provinces, and Report on native pass laws, UG 41–22.

51 NEC 1930–1932, joint oral evidence of H D Tyamzashe and T Mbeki, 18 May 1931

Africans to be without one or several passes even inside a proclaimed area.⁵² The reception depots⁵³ indirectly gave urban employers a cheap reserve of labour. Their specific function (however de-emphasised) was to control and register service contracts, passes and documents issued under the various Acts.⁵⁴ These papers specified the 'right' of an African to be in the urban area in the first place; and once there, his 'right' to seek work; his 'right' to reside in a specific place - only while employed; and his duty to pay his taxes.⁵⁵ Failure in any one of these could mean summary arrest.

The pass laws and their operation came under review during the Hertzog era. The thrust of the new regulations - both under the 1929 Native Administration Amendment Act and the amended 1930 Natives' (Urban Areas) Act - was towards new restrictions and better ways of running the scheme.

We must understand the euphemism in Cooke's 'irksome restrictions' to see how the pass laws, which may not have done much for urban control, nonetheless controlled the flow of labour toward the primary sectors. The location system, it is suggested, was vital to the whole process. The fact that the government persevered with such a negative scheme for African urbanisation shows how hugely the labour demands of mine and farm weighed in policy.

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- 52 Different types of pass laws to control and regulate the movement of African workers which had been instituted by 1932 would fall under one of the following headings: Travelling pass - 30 days' duration, see Proclamation 150/1934; Seeking work pass - 9 days, Urban Areas Act; Native service contract of farm labourer - see Native Service Contract Act which specifies that a pass must be endorsed to show that the labour service contract has been fulfilled before other employment; Special pass - if moving out of registration area in labour district (Ordinance 37/1901 and 27/1903) or under curfew regulations framed under the 1923 Act; revised Pass laws exemption certificates - this came into effect only in 1934, see Proclamation 150/1934. The Cape proper was exempt from most of these regulations. See appendix C.5 for details of laws from which the Cape was exempt.
- 53 Section 5, subsections 25-33 of Natives' (Urban Areas) Act 1923. See regulations framed under section 23(1) of the Natives' (Urban Areas) Act for the proclaimed areas defined in Proclamation 203 of 1924.
- 54 Under Native Labour Regulation Act 15/1911 applied to labour districts proclaimed under section 17 of Natives' (Urban Areas) Act 1923, and special endorsements on passes of farm labourers under the various Master and Servants Acts. See regulations framed under section 23(1) of Natives' (Urban Areas) Act for proclaimed areas defined in Proclamation 203 of 1924, regulations 7-11.
- 55 Native Taxation and Development Act 41/1925. See chap 5 above.

Africans had many reasons for resenting the urban policy. Officials did not care where work seekers lived or whether they got jobs. Life in the township was fraught with legal obstacles. Restrictions even got in the way of Africans trying to win a better deal for the locations.

In the Cape, outside the proclaimed urban areas, service contracts were not registered and the carrying of passes had been abolished.⁵⁶ Nonetheless, since the proclamation of certain urban areas under the 1923 Act, some restrictive measures came to apply to non-exempted Cape urban workers as well. So, some of the disabilities imposed on Africans in the North were beginning to be felt in the Cape too. The Rev A Mtimkulu⁵⁷ the effect:

The labour conditions in the Cape Peninsula are uncertain since the operation of the Urban Areas Act and the conditions of work for Natives have decreased, as most of the employers prefer registered voters and coloured labour, instead of taking responsibility and expense of registering their labourers. 58

Suggesting the motive behind the law, Mtimkulu went on to note that 'The supply of labour is more than the demand, consequently recruiting for the gold mines has been active....'⁵⁹

It was not only the economic injustice that Africans focussed on. Reading through any of the documents collated by Karis & Carter under the heading 'We respectfully submit', or the pages and pages of evidence submitted respectfully to the NEC, one becomes aware of the Africans' deep understanding of the whites' point of view, but at the same time there is an underlying frustration and anger, especially at the loss of human dignity and the price their wives and families had to pay. This statement is typical:

No race, other than the African people's, knows how much of its degradation has resulted from economic fallacies practised on them by the State, and how much of these economic fallacies have, like a disease, infected a section of a European's which has been made the means to keep the Africans on the lowest economic level. Yet

56 Report of the Inter-departmental Committee on the Native Pass Laws, UG 41-22, paras 29-35

57 Abner S Mtimkulu, Methodist minister active in the Natal ANC

58 NEC 1930-1932, typescript evidence of A S Mtimkulu. Only registered African voters in the Cape were exempt in proclaimed areas. See also NEC 1930-1932, typescript evidence of J R Cooper, NAD Manager, Bloemfontein, and Report of the Inter-departmental Committee on the Labour Resources of the Union, 1930, An 89-1931, para 91 which states that male servants were preferred to female because the former were subject to the control of the pass laws. This contradicts Mtimkulu's evidence.

59 See pp 234-236.

no other race, other than the Africans has shown a determination to resist any artificial force employed to submerge it. Our women folk have lived up to the best traditions of Bantudom by making themselves martyrs of the race. Men, too, have not lacked courage. The liquor queens and pilferers are the victims of a bad economic system. When the demands of life cannot be satisfied by the existing standard of wages it behoves those who feel the pinch to throw all scruples of morals to the wind and seek salvation in every humanly possible way and by such caprices as may eventually place their children in better economic circumstances. It has been definitely ascertained that whereas it costs an African family between £7.0.0 and £8.0.0 per month (without clothing and other conveniences) to live in Johannesburg, the average wage earned is anything between £4 and £6 per month, and in some cases much less. For this reason, women have had to abandon their homes and children to go and tend for them. Most of the children thus abandoned grow wild and free from necessary discipline and parental supervision, with the result that we are watching the generation growing before us with scarcely anything in the form of moral restraint. No wonder many mothers have taken to all sorts of illicit dealings. Let us here state definitely that the majority of children attending school in training institutions are children of 'Liquor queens'. The parents who attempt to send their children for higher education and are dependent on their wages invariably fail. With an economic system such as this the whole of our social life is nothing but a hideous picture, degraded to the depths of degradation by the slums - dens for crime and immorality: it is inevitable. 60

African protest under worsening conditions

Little wonder that African frustration went on the march under the magnetic leadership of Clements Kadalie of the ICU. Margaret Ballinger was not merely stirring up trouble when she said,

the greatest burden on the Native is, I fancy, spiritual and moral. He is in a state but not of it. He is denied the exercise of the virtue of loyalty. His imagination is turned not towards but against the community within which he lives. That community denies him citizenship, which is as much an injustice as the refusal to allow him the freedom to improve his material status. It is even more emphatically a denial of his personality. 61

60 NEC 1930-1932, typescript evidence of the Sophiatown Ratepayers' Association. [sic] Major Cooke in his evidence stated, 'it would probably be true to say that a minimum of £6 (per month) in the way of income is essential to the wellbeing of a Native family of four persons residing in a location or Native village in Johannesburg and that the average is well below that figure.' Mr Lucas said, 'The evidence showed that Natives, in order to save their wages to take them home often over-economised in food, with the consequent ill effects on their health.' This evidence was supported by the statement of the SAR & H. UG 22-32, paras 233 and 236 respectively. See also annexure 24, tables I - VI. Several other witnesses made the same point.

61 M L Hodgson, 'Repression or reform: South Africa's Riotous Assemblies Bill', Ballinger papers, UCT collection, D70/80 2 (t)

To these remarks at the time she added a warning:

And like the material injustice, it will bring its own nemesis. If the Native loyalty is not enlisted for the State, it will be enlisted against it. 62

The powerful economic base that had strengthened ICU support was broadened into a political platform. By this move Kadalie had hoped to merge the economic interests of the mass of the African workers with the more politically oriented members of the ANC. But Kadalie found himself confronted with embryonic African nationalism – which was then less militant than his own movement. Having shifted from his purely economic stance, he found his method of protest did not suit the ANC. There was deadlock on action and so the support for each group steadily declined. Still, the events and developments precipitated by the Pact government and the increasing material burden the Africans were being forced to bear meant African protest would not stay dormant for long. A new political militancy in the ANC emerged under the leadership of Gumede, displacing the ICU as the spearhead of African activism. Already tens of thousands of Africans in town and out had been politicised through ICU activities. In 1929 the pent-up African frustration was directed and burst out in a series of strikes.⁶³

Some dismissed African criticism as inconsequential, including the NEC: 'the Native economic question', they wrote in the opening remarks to the published report, 'is not primarily a problem of a small, vocal, dissatisfied, semi-civilised group of urbanised Natives' – which was to say, an insignificant minority. But the government itself and general white citizenry said it was the work of agitators and in the late 1920s and early 1930s mounted a barrage of Acts against them.

Among the first of many Amendment Bills on African affairs, the Riotous Assemblies Amendment Bill was passed in 1930 specifically to deal with African 'agitation'. Africans had struck on economic issues and the pass laws before⁶⁴ but in 1929 when the Minister of Justice first introduced the Riotous Assemblies Bill – dubbed 'Pirow's law of oppression' – they attacked the law itself.

Under this Bill the Minister could prohibit any public gathering, or anyone from attending such a gathering if, in his opinion,

62 *ibid*

63 For details see Roux, *Time longer than rope*, p 186 ff.

64 *ibid*, p 132 ff, and Davenport, *South Africa . . .*, p 179 ff

there is reason to apprehend that feelings of hostility would be engendered between any European inhabitants of the Union on the one hand, and any persons belonging to any other class or section of the inhabitants of the Union on the other. 65

Similarly the Minister could censor the press by prohibiting the publication of any documentary information - any book, magazine, newspaper, periodical. And finally,

when after due enquiry, the Minister is satisfied that any person is in any area habitually promoting feelings of hostility between any European inhabitants of the Union on the one hand, and any person belonging to any other class or section of the inhabitants of the Union on the other hand, he may by notice under his hand ... prohibit him, after a period stated in such notice and during a period likewise stated therein, from being within any area defined by such notice. 66

In short, the Minister of Justice had decided to deal with the 'rising tide of the black menace' by putting the liberty of Africans at his own mercy and destroying their right of free speech or movement. In 1927 this freedom of movement had been curtailed, as Edgar Brookes put it, by

a special insolence of bureaucracy, the restriction of the fundamental right of public meeting in Native areas has become a matter not of Statute, but of Regulation under Section 27(1)(c) of the Native Administration Act (1927). 67

The need for excessive measures to crush the ICU suggests that this first working class movement deserves reassessing both in its own terms and to see what conditioned, from this time onward, the 'Kadavie complex' in whites. (Debates on these measures focus on the ICU even after its decline in the early 1930s.)

Opposition was also at grassroots level, and the ICU was aware of its impact. As Eddie Roux wrote:

the I.C.U. leadership, which, carrying on the hamba kahle tradition, endeavoured always to give that organisation the outward appearance of an innocuous body interested only in co-operation with the Government and opposed to all forms of extremism, it was inevitable that the spread of the movement should be viewed with apprehension by farmers, missionaries and others. Farmers' organisations, particularly in Natal and the Orange Free State, threatened drastic action against any of their labourers who joined the I.C.U. 68

65 House of Assembly Debates, debate on Riotous Assemblies and Criminal Law Amendment Bill, 20 March 1930, col 2151 ff; and also Hodgson, *op cit*, p 3

66 Hodgson, *op cit*, p 4

67 Brookes, The colour problems ..., p 10

68 Roux, *op cit*, p 173

Margaret Ballinger, another witness to the passing of the Bill, confirmed Roux's impressions. She wrote caustically about SAP failure to react to a Bill designed to undermine personal freedom and the Rule of Law. She demonstrated the congruence of white attitudes when it came to African repression 'in the interests of the state'. Their variance was in degree, not in kind. The point she underlined was how cynically the government played up the bogey of a black uprising, and she wrote in 1929:

Mr. Pirow, in moving the second reading of this amazing Bill, made a valiant attempt to terrify the country with the bogey of a black Communist revolution. The attempt was a decided failure - the case was hopelessly thin. Unfortunately for South Africa, however, there has ceased to be a Parliamentary Opposition on the Native issue, and the South African Party, while refusing to believe in the bogey, had obviously agreed to act as if they were really frightened. If the situation were not so serious it would be extremely amusing. The Minister of Justice might fail to unearth a wide-spread plot to blow the nation up, but the Opposition was not going to spoil the game for a little failure of that kind.

69

Echoing African fears, Margaret Ballinger continued:

It would be foolish as well as futile to deny that there exists serious unrest among the Native population of the Union at the present time. It is only too true. But what we must face is that repressive legislation will never cure that unrest. Indeed, it is bound to aggravate it, for one of its root causes is to be found in the fear of what the Government is going to do. This is one of the occasions in which fear begets fear. The Government is actuated by a panic fear of a 'black South Africa'; the Native is becoming actuated by a panic fear of the ways in which the Government will try to avoid that eventuality; and this situation, complicated by real economic grievances which, in the meantime, are receiving little or no attention except of the 'Colour Bar' type, is leading to unrest of a dangerous kind.

70

With the Riotous Assemblies Act in 1930, the 'rising tide of the black menace' had been temporarily crushed. Using the dictatorial powers granted him under the Act, Pirow banned meetings and exiled Congress leaders. He picked his deportees astutely, Eddie Roux wrote, so that

the orders of banishment were extended to cover almost all the Cape Province with the exception of towns like Cape Town and Port Elizabeth, where it was felt that Congress agitators could not do much harm. After the banning of the principal leaders, members in the different localities tried to carry on with the work of the Congress under increasing difficulties. A number of branch secretaries then

69 Hodgson, *op cit*, p 4

70 Hodgson, *op cit*, p 5. See also Xuma in Karis & Carter (eds), v 1, doc 41d, p 219

received notices to leave their homes, among them Plaatje, the Chairman at Worcester. Finally the whole movement was beaten into sullen silence.

71

ANC activities in fact came to a standstill. For 18 months the leadership was split into two camps. Not even a convention was held. The President General, P ka I Seme, was accused of 'culpable inertia', and at a special emergency convention held eventually in July 1932 there was an attempt to reassess the future of African opposition.

In dealing with African grievances simply by trying to repress them, the government effected a revival of concerted African protest. In 1932 a special emergency convention of the ANC denounced the government for 'the increasing burdens and disabilities inflicted upon the race by retrograde and medieval laws' and their indifference towards Africans during the depression. They continued:

This special convention deplores the fact that the voice of the African people, which has been conspicuous by its absence in the following among other matters, has lent colour to a silent acquiescence thereto:

72

the 1932 Service Contract Act; the death of 4 000 Africans in Zululand from malaria; the eviction of 150 families from the Lydenburg district with no provision for their resettlement and a similar notification to 'thousands living near towns in Natal'; the destitution of Africans 'under an unparalleled depression' and their 'displacement from work by whites in accordance with government policy'; the failure of the government 'to provide relief work for those left destitute' - these were among the matters listed. The spate of discriminatory amending laws⁷³ had undoubtedly had immediate effect.

The last stronghold of African resistance, the ICU of Natal (ICU yase Natal) led by Johannes Nkosi and George Champion, was finally destroyed after

71 Roux, *Time longer than rope*, p 243. Bunting had belonged to the Communist Party. During the debate on the Riotous Assemblies Bill, the Minister of Justice said, 'This House in dealing with the Native Administration Act in May 1927, drafted clause 29 with the avowed object of getting at the agitator, and the Bunting and Ndobe cases show we failed in our object.' *House of Assembly Debates*, 20 March 1930, col 2158. Courts had found Bunting not guilty of incitement. Bransky Ndobe and Elliot Tonjeni, both militant members of the ANC, broke away in 1930 and tried to form an independent ANC. Ndobe was tried with Bunting under the Native Administration Act. For some detail on ANC leaders, see Karis & Carter (eds), v 4.

72 Report on the proceedings of the Special Emergency Convention of the ANC, *Umteteli wa Bantu*, 23 July 1932, in Karis & Carter (eds), v 1, doc 48k, p 312

73 See appendix D for list of discriminatory laws.

a pass-burning rally on Dingaan's Day, 16 December 1931. Nkosi was shot while the police were dispersing the gathering, and Champion was deported along with many others in a mass round-up of communist leaders who had dared to address this and other protest meetings.

At this point African opposition reached its nadir and stayed there until 1935 when the first All-African Convention (AAC) was called to discuss the new drafts of 'Hertzog's Bills'.

Urban areas policy revised - 1930

Many Africans rejected officialdom so completely that they dismissed even some improvements from that hated source. This attitude was compounded by the inability of the state to resolve the contentious issue of how or who was to fund the establishment and maintenance of the locations segregated by law.

There had to be a satisfactory basis for the financial relationship between local authority and Africans. Attempts to devise one were made repeatedly from 1913 onwards when the TB Commission alleged that many urban local authorities were making a profit on their locations.⁷⁴ The 1923 Urban Areas Act introduced this first formal financial scheme. The prime purpose was to make every local authority concerned under the Act open a Native Revenue Account. This would prevent local authorities from making a profit out of the locations under their control which they might otherwise do by incorporating location revenues in the General Rate Fund and spending less on location maintenance.

A very contentious issue was the need for funds to meet recurring expenditures on ordinary municipal services and for redeeming capital on building schemes, as well as for administering the location. Under the 1923 Act an even more contentious solution was found, involving the control and supply of 'kaffir beer'.

Total prohibition of intoxicating liquor to Africans (with some almost negligible exceptions) had been in force since before Union. Kaffir beer, partly fermented kaffir corn malt gruel, rarely exceeding 2 per cent by weight in alcohol, was subject to different laws in the different provinces. In the 1923 Urban Areas Act there was an attempt at uniformity. The Act provided for a municipal monopoly on domestic brewing to be introduced in areas approved by the Minister of Native Affairs. But, as the Act was permissive only, there was no way of compelling

74 Davenport, *op cit*, pp 343-344

municipalities to provide, by whichever method, for Africans to obtain kaffir beer. In Johannesburg and on the Reef, for example, where total prohibition was in force,⁷⁵ no change was made. In Natal, where the Natal Beer Act 23 of 1908 allowed local authorities to claim a monopoly in the manufacture and sale of kaffir beer, eight local authorities including Durban and Pietermaritzburg had been doing so before the 1923 Act was passed.

Profits from the municipal sale of kaffir beer were so great, and they were so valuable for sub-economic housing subsidies and other needs in Natal, that many municipal authorities began to reassess their kaffir beer regulations. The supply of kaffir beer was no longer regarded primarily as a liquor problem but had become part and parcel of the wider problem of local finance. As later developments were to show, the 1923 Act by introducing fiscal segregation in this way, initiated a practice whereby municipal authorities were tempted to make Africans (the poorest section of the community) pay for their own services. Beer became a most profitable source of revenue, and local authorities began to follow a self-balancing policy in regard to the Native Revenue Account.

These developments were inevitable, considering the reluctance of the central government to take responsibility for funding location improvement. R H Godlo, Chairman of the African Location Advisory Board Congress, in his 1929 report slammed the government, commerce and industry for the parlous state of urban locations. Like the municipal authorities, he held that the state and industry should do more to help their development:

The point of view of the municipalities in this respect is not altogether unreasonable as this unsatisfactory state of affairs has been created by the Government in passing the repressive provisions of the Natives' Land Act of 1913.... Commerce and industry come under the same category, as the inadequacy of wages paid to Natives is one of the contributory causes to the existing state of affairs, because commerce and industry are benefiting at the expense of both the municipalities and Natives....

76

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- 75 Except that employers of 50 Africans or more might provide kaffir beer graded for consumption on the employers' premises. See *Social and Economic Planning Council report 8* for details on the financing of location development from the Kaffir Beer Account; E Hellman, 'The importance of beer brewing in an urban slum yard', *Bantu Studies*, v 8, 1; evidence presented to the Committee of Enquiry on Kaffir Beer Profits by the SAIRR, *Race Relations*, 205/45; and Swanson.
- 76 R H Godlo, President/Chairman, Location Advisory Board Congress of South Africa, 'Urban Native legislation' in Karis & Carter (eds), v 1, doc 51a-51c, p 314

Lucas, in the NEC report, came to the same conclusion. Hobart Houghton, an economist, argued that the white community gained cheap labour through the location system at the expense of the Africans:

The inevitable result of the gap between wages and necessary expenditure has been the creation of appalling slum conditions, and municipal authorities have been faced with the burden of providing housing at sub-economic rents. This has led to municipal authorities regarding Native labourers as a liability rather than an asset, but the true fact is that the European employers are being subsidised on their wages bill. 77

This was strongly contested by R H Henderson, an opposition MP representative of commercial interests. During the second reading of the 1930 Urban Areas Amendment Bill he stated:

I notice in the evidence of the Johannesburg deputation to the select committee they said that not only is it the amount of money they have spent, and the work done, but there is an annual loss of £15 000 to the Johannesburg municipality. One of the representatives stated that the municipalities stand the loss, and that employers get labour at a cheaper rate. After all the municipality and employers are all taxpayers and it comes to practically the same thing, so that if some of the extra money of the taxpayer is expended to carry out this excellent Act, he is getting it back in another way. 78

For Henderson and many others, location development was up to the government.

Again some insisted that, because the government had started the segregated locations and specified how they should be, it was responsible for them. In most cases that meant funds. This claim was reinforced by others who criticised the government's policy of having houses built by white labour at union rates for which Africans ultimately had to pay. That idea was denounced by those who said that white taxes were used, at the expense of poor whites, for African improvements and development.

This ongoing debate is of particular importance, for in many ways it was the main obstacle municipalities had in effecting location development. As the Chief Magistrate of Johannesburg, Henry Britten, explained:

The Borough Council decided to erect small cottages in one of the Locations. Tenders were called for, coloured labour was excluded and the cost was so high that up to the time I left, the natives for

77 Hobart Houghton, *Some economic problems of the Bantu ...*, p 39. See also the NEC comment cited below, p 314, and n 8.79.

78 *House of Assembly Debates*, 19 January 1930, col 242

whom the cottages were erected refused to occupy them on account of the exorbitant rent charged which was based on the cost of erection. The anomaly however was that the money used would, by the payment of rent, be repaid by the natives. They were not only prevented from accepting employment in connection with the erection of the buildings but were being made to meet a much higher rent, as the result of such exclusion. 79

As he and many others pointed out, this in itself was undermining the whole segregation policy too, and was leading to the degradation of the existing villages. 80

The NEC, told to deal with this question, ⁸¹ could show that the Native Revenue Account was funded solely from African sources. They also showed that the local Native Revenue Account bore the interest and redemption of capital on building schemes, so that the Africans themselves paid for it all in the end. 82

They condemned this practice in the strongest terms, citing as one of the reasons:

This over-capitalises the location *ab initio* and frequently there is no escape from the necessity to subsidise rent. In time this will have a harmful effect on the location itself, in as much as urban authorities, faced by successive losses on the Native Revenue Account, will be chary of undertaking further expenditure. 83

This typifies the conflicts that deadlocked government policy. How in fact did the government resolve this particular problem?

Urban areas policy and labour control

Again, it is interesting that the government bowed once more to pressure from the country. It was shown earlier that most farmers opposed segregating Africans completely from the towns because that was the one way labour tenants could earn a cash wage after completing their compulsory labour service. This town-earning became even more important, from the farmers' point of view, after

79 NEC 1930-1932, typescript evidence of Henry Britten, Chief Magistrate of Johannesburg. Sheila van der Horst notes, 'In so far as the Act has extended the compulsory segregation of Natives, who may be compelled to live in areas remote from their work, the attractiveness of work is diminished; where train fares have to be paid out of wages, the value of the wages to the recipient is reduced'. Such factors would also act to undermine the success of the 1923 Act. *SA Journal of Economics*, pp 496-497.

80 See statements by Mbeki and Tyamzashe, n 8.34.

81 See terms of reference, UG 22-32, p 3.

82 See n 8.75 for references.

83 UG 22-32, para 506

the mines extended their contractual term for recruited labourers to an 11-month or 270-hour one in 1923. This clashed with the extended labour service of farm tenants who before had served a six-month shift on the mines with ease when they only had to work for the farmer for three consecutive months.

From the early twenties the towns provided this cash outlet. To ensure Africans and their families were not attracted to the urban areas on a permanent basis, though, the farmers urged the government to keep a system of housing single African males in the town rather as the mines did under the compound scheme.⁸⁴ As a commentator on the farmers' demands wrote at the time:

The idea apparently is to reproduce at the towns the system that exists at the mines and to replace the present Native villages (locations) by compounds for single men or at least men without their families. This would mean that the families evacuated from their present houses in the locations would have to find homes elsewhere, and, as there is no room for them in the more congested reserves, they would be forced to apply for permission to live on farms, where the men would be obliged to give three months' labour in each year to the farmers without pay before they left for the town compounds to work for a wage, leaving their families on the farms for the rest of the year.

85

The farmers as well as the mineowners made their influence felt in another way. Under the 1930 Urban Areas Amendment Act the government agreed to pay only for building single quarters. Now, as the 1923 Act laid down that suitable accommodation had to be provided before an African could enter an urban area, it can be assumed that the government's intention here was to encourage local authorities to build compound-like state-subsidised hostels rather than family houses - which would deter African families from moving to the towns. It was a disguised form of influx control.

Many local authorities and industrialists supported the state in this. The 1923 Act required employers to see their African employees were properly housed, but this provision, Davenport shows, was unenforceable.⁸⁶ One reason was that the hostel system was a cheaper way of financing location development and so it got greater support than family housing schemes, especially from urban employers still reliant on unskilled migrant labour. In the 1920s such employers were still in the majority.

84 See chap 5

85 Wilson & Perrot (eds), 'Forced labour', April 1930, p 322

86 Davenport, *op cit*, p 344

The compound system on the mines had proved the cheapest form of accommodation.⁸⁷ It also legitimised low wages, on the argument that Africans living in the urban area as single men did not have a wife and family to keep, and besides they drew a partial subsistence from the land. This would also put a check on the uncontrolled influx of African women, and with workers living in hostels they could be more closely controlled.

The urban areas policy reveals another of the many paradoxes in the government's segregation plan. The poorest people not only had to pay for much of their own welfare and development, but ultimately for a policy most of them abhorred. Yet whites converted to a belief in segregation were not prepared to make sacrifices and endure its teething troubles.

The 1930 Urban Areas Amendment Act seems to have been at cross-purposes in that its regulations included some that aimed to stabilise the detribalised urban Africans already resident in the urban areas. Of particular importance was the power given the Governor-General-in-Council to force local authorities to allow African trading 'in their own areas' of the towns; and also the matter of the influx of women, on which Davenport writes:

Symbolic of this lack of interest in influx control was Parliament's attitude to female urbanization, with all the potential risk which this carried for the future of the segregation policy. The legislators saw it primarily as a phenomenon linked with the growth of illegitimacy and the brewing of illicit liquor, and therefore accepted a clause empowering the local authority 'to refuse permission for any female Native to enter the proclaimed area unless she is in possession of a certificate issued by the urban local authority ... that accommodation is available'. But any African woman whose husband or father had been resident in the area for two years was to receive a certificate as a matter of right.

88

On trading rights, Davenport notes how a Free State MP found the principle of the clause 'diametrically opposed to the old Free State policy, which was to treat locations as only sleeping and living places for the coloured people who were required to do the work of the villages'.⁸⁹ Nonetheless, the government took the extraordinary step of empowering the Governor-General to extend trading rights to Africans in the urban areas. Although Jansen, the Minister of

87 See J Rex, 'The compound, reserve and urban location - essential institutions of Southern African labour exploitation', *SA Labour Bulletin*, v 1, 5. Also UG 31-41, para 393.

88 Davenport, 'The triumph of Colonel Stallard ...', p 83

89 *Ibid*

Native Affairs, made it clear he would not compel local authorities, Parliament had still given Africans the go-ahead to trade in white areas. The government's failure to fulfil its promise became a real source of grievance. But, with a growing number of whites firmly opposed to Africans having a stake in the white areas, whether this clause ever had a chance of being accepted is open to debate.

Stallardism in the 1930s

Opposing these and other concessions in the 1930 Urban Areas Bill, Stallard stated:

Underlying the policy of urban segregation was the desire to reduce the power of the black man in the urban areas by making it difficult for him to acquire a stake in the town or, indeed, in his own location, for - as the Stallard Commission emphasised - the man of property could hardly be denied the municipal vote. 90

This attitude had led to the deletion of the clause in the original 1923 Urban Areas Bill which made provision for some Africans to get land in freehold. This was only one of the many assumptions underlying Stallard's panacea for an urban policy solution. The proposals he enunciated in 1923 and again in 1930 in a more elaborate form catered for a complex array of demands and sectional interests, as we can see from the points he aired during the debate on the Urban Areas Amendment Bill:

In the colour bar you introduce different legislation. You say that we shall have certain walks in life in which the natives shall not be allowed to function at all. We know that that has been practically a dead letter. . . . You have introduced three classes of legislation which is exemplified in the Wage Act. . . . What is the result? The result has been not to displace the blacks but to raise the whites. 91

He deplored the artificial raising up of whites. His solution was to weed out 'redundant' and 'surplus' Africans from the towns. This, in Stallard's terms, meant all those occupying jobs, menial or otherwise, that could be filled by whites.

He questioned the efficacy of the state's 1930 revised urban areas policy on the following grounds:

Natives, undesirable in respect of earning a living, idle or disorderly natives etc., will flock into the towns. . . . It is indisputable that they are coming in in such largely increased numbers that the municipal authorities will have difficulty in exercising powers of control.

90 Davenport, South Africa . . ., p 342

91 House of Assembly Debates, 30 January 1930, col 288

... The natural increase without any ingress at all, is of no insignificant dimension. How do you propose to deal with that? The original Act left that problem untouched, and I regret to see, searching the amendments to the Bill as carefully as I have been able to do, that the problem is still left untouched. The removal of disorderly natives is no mitigation of the position at all. 92

The whole system of labour control and allocation, Stallard insisted, rested on the provision of proper machinery for repatriating and redirecting labour away from the towns to the mines and farms. He said,

The authorities have been unable to cope with it. The measures in force are insufficient to enable these people to be weeded out. But if they could be weeded out, what are you going to do with them? By the provisions of this Bill they will be sent to the place to which they belong. Where do they belong? Many of them have been born in the towns, and are part of the population in that particular area... The Bill I think fails to deal with this aspect. 93

Stallard accepted Hertzog's view of the labour crisis on the mines and farms, but not his 1930 solution. That was inadequate, Stallard said:

The question of the surplus was dealt with by the Prime Minister in terms of very great certainty. If the statements of the Prime Minister this afternoon are correct, then the problem becomes a very small one indeed. The surplus can go to the place to which they belong, which is the native reserves, and where in the Transkei and Zululand there is ample scope for them... The real trouble is the deplorably low standard of agriculture and stock and the incapacity of sustained effort of the native population... The problem of how you are going to deal with their settlement need not be a bugbear. It is susceptible of a perfectly simple solution. I understand there is a very great demand for further native labour on the land.

An hon. Member What about the mines?

Stallard They also require a very great deal of labour.

An hon. Member Where does the white man come in?

Stallard ... I have not the slightest doubt that the needs of the mining industry can fairly be met, and the method I suggest - which is cleaning out your towns and removing the redundant black population from the towns - is calculated to have the effect of supplying the wants of the farming population and also the wants of the mines for a further supply of labour. 94

Stallard emphasised three key points. First, the urban areas should be kept white so as to prevent inter-racial competition. By the same token, Africans would be

92 *Ibid*, col 229

93 *Ibid*, col 232

94 *Ibid*, cols 221-232. Hertzog insisted there was adequate land to resettle Africans repatriated under section 17 of Act 1923. Failing this, he said in slight self-contradiction, there was enough work on the farms.

unable to get a stake in the white areas that might eventually have undermined the whites' position of dominance and privilege. Second, Africans who could not be accommodated in the reserves could be resettled on white farms. And last, the state, by intervening and 'cleaning out' the towns, would assure the mines of their labour supply.

In the interests of the primary sectors and poor whites Hertzog undoubtedly agreed that African labour should be rechannelled away from the towns, but he refused to endorse Stallard's tactics. Overall, Hertzog's legislative programme shows that – despite what Stallard said – the Natives' (Urban Areas) Amendment Act was dovetailed into several other laws. In theory this is how it worked.

The location system and the government's approach in implementing the system were proving counter-productive. Instead of Africans co-operating and accepting voluntarily the benefits the scheme allegedly offered, the state had to intervene with more stringent controls to enforce the system. As Davenport says:

The normal way to maintain social control in towns all over the world is to rely upon the local police to enforce municipal by-laws and deal, as need arises, with vagrants, drunkards and other offenders. Normal social controls, though, were found to be insufficient by the South African legislature because the Urban Areas Act was required to do abnormal things: to make rules for blacks which did not apply to whites; to enforce a segregationist legal system; ... to expel blacks from town (but not whites) for vagrancy, idleness, disorderliness, failure to pay rent, and other causes. 95

Stallard argued that because the location system had broken down the government had no way of rechanneling surplus urban labour. This problem would be obviated,⁹⁶ he argued, by restricting the number of Africans entering the towns to whatever was needed for the work available. The scheme devised by Hertzog's government was another way of using Stallard's proposals. Under this scheme the flow of labour was to be controlled primarily at source – that is, from the white rural areas, the released areas and the scheduled reserves. The location system then became just a checkpoint at the other end of the control system.

The revised urban areas plan of the 1930 Amendment Bill certainly shows this. Briefly here are the major changes it made to the 1923 Act. The state intervened to tighten up registration and administration of service contracts and pass law controls once an African entered the town. This prevented Africans illegally in town from getting jobs. Although in 1923 Africans who either fell under the various

95 Davenport, *op cit*, p 346

96 Stallard's proposals were only incorporated in the 1937 Native Laws Amendment Act. See Conclusion.

Master and Servants' Laws or the 1911 Native Labour Regulation Act were prevented from entering town while still under contract (as Cooke's evidence shows),⁹⁷ municipal authorities had found it hard to enforce the law as they had little control over Africans in their areas who lived outside the segregated locations. The whole system had therefore to be revised, especially since by 1930 a whole new class of Africans fell under the definition of illegal resident. These included reserve Africans who had been refused a permit to a 'closed area' under the 1927 Native Administration Act; labour tenants in Natal and the Transvaal who by 1926 had come under the same service contract system as full-time farm employees; Africans living outside the reserves in specifically proclaimed pass areas under the 1929 Native Administration Amendment Act, who like the reserve Africans could now be prevented from seeking work in a 'closed area'; and lastly, all Africans whose passes carried the new endorsement instituted under the 1932 Native Service Contract Act. To ensure that these Africans were not illegally employed, the loopholes in the 1923 Act which had made it easy for Africans to live outside the proclaimed segregated locations were closed. Municipal authorities were empowered to proclaim districts established prior to 1923, and Africans could be removed from unproclaimed areas even though no other suitable accommodation existed. Once in a proclaimed area, Africans automatically fell under location restrictions and regulations. Any failure to comply with these would be more easily detected from the time a work seeker arrived at the reception depot.

If a work seeker could not find a job during the six-day period of grace, under the 1930 Amendment, he could be refused a second work seeker's pass.⁹⁸ The Act failed at this point – as Thomas Mbeki's evidence showed, these men were left to their own devices. Forced out of one area, they took the chance that a job might be found in another area. But more often than not, the evidence showed, because they were penniless they stayed in one area, hoping to find a job before they were caught for breaking the law. In desperation many of these men would then accept any wage offered. It is little wonder, therefore, that the authorities at that stage refused to extend the period for work seekers in the towns.

Assuming that this system would work, labour could then have been rechannelled to the mines and farms by closing certain districts to Africans from specific areas who were seeking work. So for the first time there was a direct link between the source of labour and where it was going. The flow of labour from the

97 NEC 1930-1932, typescript evidence of Major H S Cooke. See n 8.21 above.

98 See evidence of T Mbeki cited above, p 303.

reserves could be directed to the mines, and Africans living in the white rural areas could be immobilised for at least six months in the year to serve the farmers' needs. Presumably, once the mines and farms were adequately supplied, the 'closed' districts would be opened once again.⁹⁹

Once the legal machinery had been set up, the Urban Areas Amendment Act would serve a dual purpose. It would reinforce existing barriers to employment of illegal Africans in the towns, and at the same time help to swell the labour supply to the primary sector. How was this to happen?

We have already seen how the location system worked to give the deftest form of urban labour control.¹⁰⁰ Under section 5(1) extra proclaimed areas could be created, the Governor-General could force all non-exempt Africans to stay in these locations, and he was given extra power to proclaim any urban area under section 12 of the Act if the situation warranted it. Among other things, section 12 laid down that an African could be refused permission to be in a proclaimed area

if he fails to show that he has complied with the laws relating to the carrying of passes by Natives and, in the Provinces of Transvaal and Natal, if he is without a document of identification as prescribed by regulation under the Native Service Contract Act, 1932, or if he is in possession of such document of identification and it appears therefrom that he is domiciled on land outside a location as defined in the said Act, and has not been released from the obligation of rendering service to the owner as defined in the said Act of the land on which he is domiciled.

101

There were similar regulations framed for Africans registered under the 1911 Native Labour Regulation Act. These would affect Africans registered as mineworkers.

Special regulations governed the employment of women, 18-year-olds, 'togt' or casual labour, and ex-Union labourers going to areas other than the mines. Africans infringing any of the regulations would be deemed to be illegally in the urban area, and could be required to leave it, or they could be removed to their homes.¹⁰²

99 Under Proclamation 150/1934, the seeking-work pass was extended to 9 days. See n 8.45. In 1937 the regulation period was extended to 14 days.

100 See Cooke's evidence cited above, pp 295-298.

101 Natives' (Urban Areas) Act 25 of 1930, section 12

102 Ibid. See section 17 as amended, Act 25 of 1930.

Extra devices were to act as deterrents to Africans thinking of settling permanently in town. The clause providing for 'suitable and adequate housing' before removing Africans to proclaimed areas was deleted in the 1930 Amendment. The decision by the central government not to fund family housing and location improvements can also be seen in this light. Maintenance of low wages under the Wage Act prevented inter-sector competition, as did devices to ensure an over-supply in the unskilled sector.¹⁰³ The hostel system for 'single' males and the restriction of ingress of family members wanting to join people already in the towns were indirect forms of influx control. Without women, men would naturally tend to return home. Even though the restrictions enacted in 1930 were explicitly to limit prostitution and illicit brewing, it was certainly hoped that the restrictions in themselves would make the urban areas less attractive to Africans seeking work.

The repatriation clause under which 'idle [that is, unemployed], dissolute and disorderly' Africans could be endorsed out of the proclaimed areas was recognised as a way of increasing the labour supply to the primary sectors. Hence the policy makers would not provide for the state to resettle this class, or for the extra land they would need. All that, the government argued, would make it easier for Africans to evade employment on the mines and farms. Seen in the context of the debate on convict labour¹⁰⁴ and the decision to extend this system, clearly those who favoured the convict labour system believed that the thousands of technical offenders infringing all these rules would amount to an army of reserve labour for use where the need was greatest, while also acting to keep wages low.

Finally, for the best ordering of labour, the powers vested in various authorities were updated and made more effective. In this, regulation and control rested with the Governor-General-in-Council and worked down to the employer who had to ensure that all employees were legally in the towns before offering them work.

Urban areas policy and white worker interests

Viewing the programme like this, one can see that Hertzog had no need for Stallard's more drastic scheme, but it is less easy to understand the rejection of Stallard's argument on how to gradually eliminate competition between Africans and whites in the town. (Until other evidence of this period emerges our assumptions

103 See chap 7, pp 277 and 280-283.

104 House of Assembly Debates, 18 May 1931, and above, chap 5, pp 201-207

must necessarily be tentative and exploratory.) For the underlying motive here, we must see the revised industrial laws in the context of the urban areas policy, party political interests and the basic principles of the segregation policy as a whole.

The deepest assumption throughout was that the master-servant relationship and the paramountcy of white interests in the white areas should be secured. Some devices would 'keep the native in his place' as an unskilled, ill-trained and inefficient worker: the payment of 'uncivilised' wages to Africans; the provision of next to no state assistance for African educational needs,¹⁰⁵ which in turn would deprive Africans of the qualifications they needed to compete with whites for skilled jobs; restraints in law on African residence and movement; the deprivation of equal bargaining power. We have already seen how this subordination was achieved,¹⁰⁶ and noted the success of these measures in terms of the widening gap between wages of not only the unskilled and skilled workers, but also unskilled whites and unskilled Africans.

The legal checks to prevent permanent African migration to the towns had a further significance here. Migrant labour, casual by definition, could not possibly hope to compete eventually with the more stable, trained unskilled and semi-skilled whites, who also had the advantage of compulsory state education to standard 6.¹⁰⁷ Hence the decision to finance only single hostel accommodation. This, together with laws to deter Africans from bringing their families to the towns, appears as a method to advance the poor whites at the expense of Africans.

The Carnegie commissioners laid emphasis on another point of friction: the difficulty of finding employment for a daughter of poor white parents in the face of African competition.

What employment is there open to her in the town? She can work in shops, cafes and factories and, in exceptional cases, in domestic service. [108] The girl from the poor family stands a very poor chance

105 See chap 7 above, p 273.

106 See chap 7 above, p 280-283.

107 The level of education demanded by most apprenticeship committees for entry into scheduled trades.

108 Domestic service was still monopolised by African males. As Professor Macmillan noted, 'In domestic service ... the degree of skill required and exacted has perhaps brought about a fair rise of wages - more than £4 a month, with full keep, being quite common in the better districts of Johannesburg. But these are the aristocrats of native labour. Among the lower grades, even in domestic service, there is acute competition set up in no small measure by the exodus from the farms.' *Complex South Africa*, p 247.

of being employed in the shops. She is usually too deficient in social training; she cannot afford the necessary clothes, nor can she, in her overcrowded home (which is often one room shared by the whole family) give herself the bodily care and attention that are necessary for giving her a good personal appearance. The same may be said with regard to cafe employment; here, even more, the girl must have an attractive appearance. One employer used to ask straight out at the office of the Juvenile Aid Board for pretty girls. There remain therefore for the girl from the poor home domestic service and the factories.

109

Earlier Mrs Rothmann in her part of the report noted:

Of the three places where poor families congregate – the diggings, the settlements and the towns – it seems indisputable that the towns offer the young girl the best opportunities for advancement.... The family remains the earning unit, and ... in Port Elizabeth and Johannesburg, had decidedly improved their whole position, even where the fathers did not earn any more in the town than they had in the country.

110

From evidence to the NEC clearly there was a concerted effort then to persuade housewives to employ female domestics instead of tying up many thousands of males who (it was alleged) could be more productively employed in farming and industry. Linked with this was the opening up of opportunities for girls from poor families to enter domestic service. This avenue could also be closed if there were cheaper African female labour to compete for these jobs. That was another reason for imposing obstacles barring African women from town unless they could prove they were bona fide dependents of Africans who had already resided two years there.¹¹¹

As the state saw it, the poor whites were to get primary attention whatever the cost to their African counterparts.

Similarly, it appears that the state was not prepared to brook any opposition from the skilled sector who fought the upgrading and uplifting of the poor whites. As we have said, the real obstacle to this class was the virtual autonomy and monopolistic bargaining power still effectively used by the skilled workers to the detriment of both Africans and poor whites.¹¹² Under the various industrial

109 Report of the Carnegie Commission, part 5, pp 208-209

110 *Ibid*, p 208

111 The same argument would of course apply to female factory workers, but here the threat would be greater, for the late influx of African women to the towns had already given white women an overall advantage in this field.

112 See chap 7 above, pp 272-273.

Amendment Acts in 1930¹¹³ the Minister of Labour, Colonel Creswell, assumed such wide powers for himself that, as one MP said, in the field of industrial relations the state had the power to 'legislate by regulation'.¹¹⁴ Clearly, the state's success before 1930 in the public sector, where it had been able to deskill jobs and dilute the traditional lines between skilled and unskilled labour, had set the Minister on a course to undermine the conservative independence of the trade unions and apprenticeship committees.¹¹⁵ This he was to do even at the cost of further alienating the skilled workers whose support the NP had prized during the National-Labour Pact.¹¹⁶

Urban areas policy and manufacturers' demands

Where employers resisted, other tactics were used¹¹⁷ to help the poor whites. The figures are quoted earlier and show that these other methods had succeeded to some extent. Possibly here too the government felt Stallard's forebodings were exaggerated, and as far as Hertzog was concerned the process of urbanisation could not be artificially halted.¹¹⁸ Instead, given time, cheap African labour could be displaced in both the public and private sectors. Under these circumstances the state possibly felt that there was no need to exclude Africans from the towns - where they were needed, even though only as unskilled cheap labour.

The availability of unskilled cheap labour in the towns was important also for the 'civilised labour policy' to work. As we saw, the government would need the co-operation of private enterprise for the replacement of cheap African labour by whites at 'civilised' rates of pay. One way to guarantee that employers could balance the costs of expensive white labour was by ensuring African labour stayed cheap. To create an artificial shortage by excluding Africans from the

113 In particular the Industrial Conciliation Act, the Wage Amendment Act, and the Apprenticeship Amendment Act, all in 1930. See above, pp 268-272.

114 House of Assembly Debates, 13 February 1930, F C Sturrock (Turffontein)

115 *Ibid*, 13 and 26 February 1930, and especially cols 1227-1228 where this argument is suggested.

116 The significance of the erosion of the support of labour is analysed in the next chapter when the reasons for the move towards Fusion are considered.

117 See chap 7 above, pp 265-267 and n 7.61.

118 See Davenport, 'The triumph of Colonel Stallard...', p 81.

towns, private enterprise claimed,¹¹⁹ would force wages up. Influx control measures and limitation in strict accord with the labour needs of a particular district - as Stallard was demanding - would have had this effect and many of the sub-economic industries, which the state was intent on developing to absorb poor whites, might not have been able to survive.

Availability of enough cheap African labour was even more vital during the depression. In the short period of prosperity 1923-1928, the state had been in a financial position to buy the co-operation of private enterprise by offering various incentives. But with the onset of the depression the state could not afford to indemnify businessmen against any loss they sustained in arranging for 'satisfactory labour relations' demanded by the state. One way private enterprise found to cut costs was by selective wage reductions and retrenchment of white workers. It was therefore no coincidence that Creswell introduced the series of Amendments to industrial legislation in 1930 so as to stop employers from substituting cheap African labour for whites. The state by its actions also showed that it was determined to keep a tight grip on the setting of African wages. Obviously the cheaper African labour was, the greater the profit and also the more likely that the private sector would follow the idea of subsidising white wages. They would have the leeway to follow the state's scheme.

The cheapest labour, moreover, was migrant labour. To limit Africans to a migrant life in town, the state indicated that it would subsidise single accommodation only. Likewise, the private sector was encouraged to build hostels in the segregated locations. Accommodation was to be on a rent basis, and only employed Africans qualified to stay. As a natural corollary to all this, it was specifically enacted that Africans without special permission could not acquire land or live outside the segregated locations. 'Slum landlordism' and the eradication of slum areas were the excuse, but in effect it stifled migrant families who used to find homes outside the municipal boundaries.

Provided that Africans in the urban areas could be brought under effective municipal control, the state was prepared therefore to co-operate with the private sector by keeping up a supply of cheap labour. The more capital-intensive industries needing a more efficient and stable labour force were to draw on white workers for their supply. Thus the state assumed powers to keep white workers from being ousted from their jobs. As long as Africans were prevented from

119 See the second reading debate on the Natives' (Urban Areas) Bill, R Stuttaford (Newlands) and R H Henderson (Hospital).

taking jobs reserved for whites, it was accepted that Africans were permanent members of the work force in town. The NEC confirmed the inevitability of this trend.¹²⁰

Finally, on a far more practical level, and for reasons of stringency, Stallard's proposals would have needed complex labour control machinery and so would cost too much to be acceptable.¹²¹ Not only had the state found it impossible to persuade local authorities to introduce and enforce the limited labour control measures under the 1923 Act, but few municipalities outside the big cities had the funds to develop the location system which (we showed) was vital to the system of labour regulation and control. The Stallard proposals would have meant an immediate major expense too, something the government itself could ill afford. In fact, the 1931 national census had been cancelled because of the cost. It does not seem likely, therefore, that the government would agree to the detailed labour and occupational analysis of each district that would have been needed in a scheme for limiting the supply of labour to what each district required.

Perhaps Hertzog was reluctant to introduce the radical proposals Stallard recommended before the findings of the several reports¹²² had been tabled. Or was Macmillan justified when he wrote this?:

Of late ideas on Native policy have been strongly coloured for many people in the Union and elsewhere by alarm about the 'rising tide of colour'. This alarm has arisen less from knowledge of facts about the Natives than from fear for the plight of the European population. . . . Tempting and inevitable as speculation about the country's future may be, Europeans will do well to devote good concrete thinking to bettering the present, since, in truth, our statistics are too imperfect to afford a sure basis for prophecy, any more than for panic alarm. 123

This statement was made in 1930. Six years later Hertzog, supported by the old SAP group who had joined the NP to form the Fusion government in a new United Party, declared that he had achieved the 'final solution to the Native problem'. The nature of this solution and the reasons for reversing many decisions and revamping the Bills and laws passed between 1924 and 1932 form the basis for analysis in the concluding chapter.

120 See UG 22-32, para 500.

121 Davenport, *op cit*, p 81

122 In particular the NEC and Carnegie Commission findings

123 Macmillan, *op cit*, p 33

CONCLUSION

Throughout our country to-day, there seems to be a spirit of excitement, of fear, of unrest, and of uncertainty. Everywhere our European community seems to have a nightmare of rising black masses encroaching upon their position of privilege, hence we have had the 'Black Manifesto'. The farmer presses upon the Government, to bind the Native down to the farms by restrictive legislation. The Mines are crying for more labour, more 'cheap Native labour'. The Municipalities are clamouring for more powers to deal with the unemployed, the 'redundant' Native in the urban areas.

1

In raising these issues Dr Xuma gave an accurate description of the issues that had dominated the 1929 'swart gevaar' election. Most whites would have readily agreed that, taken together, these issues constituted what was commonly called the 'native problem'. Over the years the electorate had been conditioned to believe that these 'problems' were the source of their fears and uncertainties about the future. But - as Xuma went on to say - the white man was not alone in his fears. African fears about the future were very different but just as real. They stemmed from the government's action, he said, for

The Government, without asking why the African is leaving the farms or where the 'redundant' urban Native must be repatriated to, feverishly introduces more restrictive legislation to give effect to these cries. 'Colour Bar' legislation appears on the Statute Book in one form or another at every session. The idea seems to be to legislate in haste and to think and discover the facts and mistakes at leisure.

In all this, the African, for whom the Government legislates, has no voice. His part is merely to obey the law without protest or expression of even his most legitimate grievance....

The African is dissatisfied with his present lot, uncertain and anxious over his future. He is disgruntled, sullen and has largely lost confidence in the justice of the White.

2

1 Xuma, in Karis & Carter, v 1, doc 48d, p 219

2 Ibid

Xuma charged: the government legislated 'without asking why....' Why the rural exodus from the farms and reserves continued unabated despite the myriad laws that existed to regulate and control labour; why Africans avoided farm labour and resisted recruitment for the mines; why men accompanied by their wives and children were migrating in their thousands, leaving the reserves for the squalor and slums in the towns and why, once they were in the towns, local authorities found themselves unable to use the machinery designed to repatriate those said to be there illegally; why, despite the fact that the government had approved the appointment of several important commissions³ expressly to solve these questions, it had then gone ahead without waiting for their answers and within a single session 'feverishly introduced more restrictive legislation' to give effect to the white man's cries.

The full measure of African cynicism and their lack of confidence in the procedures adopted by successive governments since Union were reflected in the opening remarks of R V Selope Thema's statement to the NEC:

I want to say at the outset that some of us are surprised that while Parliament is proceeding with such Bills as the Land Amendment Bill, the Representation of Natives in Parliament Bill and the Native Service Contract Bill, this Commission is touring the country taking evidence on the conditions of Native life, conditions which have been created by repressive legislation which this country has pursued since the consummation of Union. It may be that we are not intelligent enough to think that the proper way would have been to postpone action in these matters until the Commission had reported. In 1913, we urged the Government not to proceed with the enactment of the Natives Land Act before the Commission which was contemplated had reported. To this appeal the Government turned a deaf ear.... The result was the operation of the Land Act rendered thousands of Natives landless and homeless, disturbed the working and living conditions of Natives on the farms, and worsened the congested conditions of the Native reserves, with the result that thousands of Natives migrated to the towns.... 4

The Land Act had ensured that there were very few Africans able to resist entering the wage economy from sheer necessity for at least part of every

3 During the period 1929-1930, before Xuma's speech, evidence was being collected for the following reports: Report of the Commission of Enquiry into the Cost of Living, UG 36-32; Report of the Inter-departmental Committee on Labour Resources of the Union, An 89-31; Report of the Unemployment Investigation Committee, UG 30-32; Report of the Low Grade Ore Commission (Interim), UG 16-32; NEC report 1930-1932, UG 22-32; Report of the Joint Select Committee on the Native Bills 1930-1934, An 149-33; and also JSC 1-35; and Report of the Carnegie Commission on the Investigation of the Poor Whites in South Africa, 1929.

4 NEC 1930-1932, typescript evidence of R V Selope Thema

year. Attracted by higher wages and better conditions of service in the towns, Africans not bound by service contracts were by-passing the mines and the farms.

It was this uncontrolled influx of Africans to the urban areas that triggered the 'nightmare of rising black masses encroaching upon [the whites'] position of privilege' and dominance. This in turn had led to renewed demands for legislation to protect the white workers' 'civilised' standard and status. In response, the government between 1929 and 1932 hastily introduced several far-reaching, contentious and avowedly discriminatory Acts⁵ dealing with urban and industrial relations, and others to accommodate the primary sector's demands to resolve the labour crises.⁶

This was the reality of the whites' 'native problem'. For any solution, Dr Xuma averred, what was needed most was 'a revolution of the people's thoughts, their ideas, their ideals, and their spirit to recognise the African as a human being with human desires and aspirations which must be satisfied'.⁷ Not more repressive and restrictive legislation to accommodate white fears and demands.

Such a revolution was practically impossible in the Union at the time. During Hertzog's first term in office, efforts by the two leaders to solve the 'native problem' on a non-party basis had come to naught. There had been divisions within Smuts's own party; and also the two parties differed in what they meant by segregation, especially in its territorial aspects. The breach between the two parties widened in 1925 when Smuts refused to commit his party on Hertzog's Smithfield declaration before the proposals were drafted as Bills. Then, when they were published, Smuts opposed them at their first reading on the grounds that they were a reversal of Botha's 1913 Natives' Land Act. In this he not only confirmed that the two parties differed on the policy of territorial and political segregation, but he had denied Hertzog the opportunity of

5 During the parliamentary sessions 1929-1932, the following amending Acts were passed on industrial relations: the Factories Act 1918 Amendment Act of 1931; Apprenticeship Act 1922 & 1924 Amendment Act 22 of 1930; Wage Act 1925 Amendment Act 23 of 1930; Mines & Works Act 1911 Amendment Act 25 of 1926, which was again amended during the 1931 session.

6 Those dealing with urban policy and the labour shortage: Natives' (Urban Areas) Act 1923 Amendment Act 25 of 1930; Native Taxation & Development Act Amendment Act 28 of 1926; Native Service Contract Act 24 of 1932. Others on African unrest: Native Administration Act 1927 Amendment Act 9 of 1929; and Riotous Assemblies Act 1914 Amendment Act 19 of 1930.

7 Xuma, in Karis & Carter, v 1, doc 41d, p 227

having his segregation solution accepted in principle. This did nothing to improve the situation between them, and further dashed the hopes of the two parties finding a joint solution to the 'native problem'.

Their sparring turned to open war during the 1929 election. As early as September 1928 Tielman Roos, Hertzog's Minister of Justice, had picked the 'native question' as an election battle cry. In his first no-confidence motion since the Pact came to power, Smuts deplored Roos's and the government's approach. Recalling Roos's earlier challenge, Smuts commented:

He [Roos] said the Pact could have no more favourable battleground than these Bills on which to go to the election. I called that proposal at the time a devilish proposal, that a party, face to face with a general election, without a programme, should be forced to take this issue, the most far-reaching, the most dangerous, the greatest of all in South Africa, for electioneering purposes... That was the proposal of the Minister of Justice - 'stampede the people of South Africa; the native is in disfavour, rouse the cry of a white South Africa against a black South Africa, whip up public passion, whip up the latent feeling there is in South Africa on this question, and let us, on that vast wave of passion, try to get victory once more.' 8

The no-confidence debate, coming shortly after Smuts's abortive but far-seeing Ermelo speech, gave the NP all the ammunition it needed to launch the 'Black Manifesto' election. From then on, the country was thrust into a most bitter election campaign fought over the future status of the voiceless, politically impotent African majority.

The 'swart gevaar' election showed that Hertzog and his supporters were prepared to exploit white racism whatever the cost, to ensure re-election and support for Hertzog's segregation policy. The wrangling between the two parties and the bitterness it left in its wake are legendary. NP Members, alarmed as they were at the menace of white poverty which could erode the eminence of whites, felt the state had a duty to counter this poverty. Equally significant was the fact that white workers were becoming a very strong pressure group politically. The Carnegie commissioners noted that fact in their report two years later. They stressed how bad the effect could be on ways chosen to solve the poor white problem, for 'when it is borne in mind', they wrote,

that the franchise is possessed by all European adults, and that practically all the White indigents have the vote, and in several constituencies they hold the balance in political party divisions, it can be assumed that the Poor Whites exercise a considerable amount of influence on any government....

Public men have increasingly created wrong ideas and foolish expectations in the minds of the poor. Men who are returned to Parliament on the strength of election promises are obliged to use all their personal influence to obtain something for their constituents.

9

The extent of white racist susceptibilities at that time can be gauged by the results of Hertzog's successful 1928 election campaign. Not only had the NP won, but it had gained an extra 15 seats. Hertzog was thus able, had he so wished, to form a government without the pact with the Labour Party. As for Labour itself, fragmented as it was over the 'native question' before the election, it had been thoroughly beaten in 1929 and was left with only five seats in Parliament.¹⁰

With the electorate behind him, Hertzog determined to push ahead with his segregation solution. In the earlier chapters it was shown that between 1929 and 1932 the Hertzog government 'made progress backwards' on many things. Their more reactionary steps can be traced as follows.

On the political front we saw a progressive onslaught on the Cape African franchise. By 1933 Hertzog had averted the 'danger' of polls being swamped by the feared 'hordes' of black voters. This had been achieved administratively by implementing strict new registration controls. These were applicable only to blacks in 1931 because at the same time universal suffrage was granted to whites. The success and significance of this attack was indicated by the absolute and relative reduction of Cape voters between 1929 and 1933 when over 5 000 African voters in the Cape lost the vote.¹¹

Changes in the 1926 and 1931 draft Representation Bills also showed the retrogressive line of the NP on this issue of African representation. A reduced council with only advisory powers, and the scrapping of representation altogether in the House of Assembly, were the first fruits of co-operation by members of the Joint Select Committee. Representation for Africans was to be in the Senate only.¹²

9 Carnegie Commission report, part 1, p 229

10 Among the 148 MPs, the final result in 1929 was: NP 78, SAP 61, Labour 5 (Creswellites who stayed in the Pact with Hertzog), National Council 3 (the breakaway Labour wing led by W A Madeley and J Christie), Independents 1. For a discussion on the split, see chap 7.

11 See chap 1, p 43 and table 1.4.

12 See chap 1, pp 24-26.

Meanwhile the fallacy of whites being swamped at the polls had been fully exposed by the Joint Select Committee. In their deliberations they had considered various ways to limit the voting strength of Africans in the long term, and the government had won their immediate goal of devaluing the Cape African vote. The administration could not have failed to see that on this basis the power to decide the Africans' right to vote rested entirely in the hands of an all-white Parliament. Having already reduced the real value of the Cape African vote - just as long as it stopped short of abolition - the government had no apparent need to resort to any other way out of their difficulty.¹³

Hertzog's most notable achievement (from his point of view) was that he had split the SAP on the franchise issue and found a way to solve the question on a non-party basis through the establishment of a Joint Select Committee. Smuts's hand is also discernible here: the rule of silence observed by the Joint Select Committee in the five years it sat to find a solution; the decision to deliberate on a non-party basis and allow a free vote, and the representative character of the committee,¹⁴ which included key people of all parties from both Houses, suggests that Smuts¹⁵ had persuaded Hertzog that a solution could be found only under the conditions and in the spirit of the 1909 National Convention. Once the two parties agreed on this, Hertzog had every reason to believe that he would eventually get the support he wanted for abolishing the Cape African franchise.

The degree of co-operation already reached on the Hertzog Bills was confirmed by SAP Members during the coalition debate in February 1933. The debate gave the NP an opportunity to challenge the statements bandied about by some SAP Members that a coalition government would be a positive move towards finding a solution to the 'native question'. As the Minister of Lands said:

The assistant leader of the Opposition, Mr. Duncan, spoke about the small political differences that existed, but I want to point out to him that the differences are not so small. He said that we must be honest, that we must carry out principles, and that the ideas must be put to the proof apart from party interest. But I want to ask the assistant leader of the Opposition whether, e.g. there is such a small difference of opinion about the native question.

13 See chap 1, p 25.

14 Ibid

15 During the 1929 election Smuts had made the calling of a National Convention a key point of his campaign.

Mr Duncan But there we are cooperating.

Minister of Lands Then all is right if there is cooperation, but in that case I would like to ask the hon. member why it cannot be done now. If we all agree on it then there certainly is no need to establish a national Government. 16

So the tide had finally turned against the few SAP Members who still staunchly defended the Cape franchise. Smuts knew this and therefore willingly agreed to co-operate in the Joint Select Committee on a non-party basis. Obviously this was not disclosed at the time, and opposition to Hertzog's Bills outside Parliament continued unabated. As Nicholls snidely remarked:

For over five years the native question was the sport alone of our budding professors, and an academic reputation for being expert on the native question was easily obtained by these theorists... During all this time the Select Committee, studying all the evidence closely from day to day, said nothing. 17

For the researcher the paucity of official evidence on the deliberations of the Joint Select Committee confirms just how complete the official silence was. It is not surprising, therefore, that the public and writers afterwards were ready to accept that Hertzog entered coalition more readily for seeing it as a way to get two-thirds majority support for his Native Bills. It is suggested here, however, that even the compromise UP programme was in fact no compromise. Principle 6 of the programme stated:

It is recognised that a solution of the political aspect of this question on the basis of separate representation of Europeans and Natives, or otherwise, being fundamental in character and not having hitherto been a matter of party division, should as far as possible be sought through agreement and should be left to the free exercise of the discretion of the individual members. 18

The inclusion of this programme principle was a mere formality, seen against the background of the procedure agreed upon in the Joint Select Committee and coupled with the fact that by the time of coalition the committee had agreed that the Cape franchise would go. Hertzog by 1933 already had a good idea of his potential support on the franchise question. Coalition merely confirmed it.

16 House of Assembly Debates, 25 January 1933, cols 85-86

17 Nicholls, p 285

18 The United South African National Party Programme of Principles adopted on 5 December 1934, quoted by Kruger, p 85

Why then did Hertzog still insist on making the supplementary Land Bill depend on the abolition of the Cape franchise, especially as its delay meant he had to find a separate solution to the squatting problem?

Tatz has it that Hertzog saw 'the Land Bill to be additional compensation to the granting of the "substance" of land for the "shadow" of the vote'.¹⁹ But the evidence shows that both the 1926 and 1929 Land Act Amendments Bills offered hardly anything more than lifting the restrictions that barred individual Africans, or groups of more than six, from purchasing land on the open market, and then only in the so-called released areas. In fact, there had been so much opposition to granting extra land that in 1926 the land allocation had been cut by over two million morgen.²⁰ Even the administrative dispensation, which offered token financial aid to African tribes, was quietly dropped.²¹ The final blow fell in 1932. In that year the segregation fallacy was finally exposed by the Native Service Contract Act. It laid down that all squatters in the white sector, even those hiring or leasing land in the proposed released areas, could be summarily evicted if they refused to accept the new labour service conditions. The same fate awaited them if their absentee landlords refused to pay the prohibitive squatter tax. As Pirow proclaimed (without correction from Hertzog), the land question was not a geographic question but one of numbers.²² So, for the NP, a solution to the squatting problem could be separated from the ideal of establishing segregated reserves. Not only could it be dealt with separately but most farmers demanded it should be, for many were totally opposed to their opponents' plans of resettling evicted squatters in the reserves.²³

Sauer in his 1913 Land Act had provided for extra land for the reserves before squatters could be evicted. The reason for this was that the mines' migrant labour system could only work if migrant labourers had a subsistence base for their families in the reserves. Since by law Africans could not hire, lease or own land outside the scheduled reserves, the only way to give security of tenure for landless squatters was by extending the reserves. Beaumont showed that these areas were already congested in 1916 and could not possibly absorb the tens of thousands of displaced squatters who would be uprooted once the

19 Tatz, p 48, and chap 2 above, p 101

20 See chap 2, p 77.

21 See chap 5, p 208.

22 See chap 5, p 208-210.

23 See chap 4, pp 163 and 166-169.

anti-squatting measures provided for in the 1913 Act came into effect. Hence the moratorium in Sauer's Bill on the wholesale eviction of squatters before the extra land was released.

The long-term plan mooted in 1926 under which Africans could only buy competitively in the released areas showed that Hertzog had no intention of carrying through his predecessors' squatter resettlement policy.²⁴ The land schedules were not even a feature of the 1932 Native Service Contract Bill,²⁵ even though the Bill contemplated the immediate eviction of tens of thousands of squatters. This move gives further substance to the idea that the NP, strongly backed by the rural electorate regardless of party-political allegiance, fully supported Hertzog's squatter solution.²⁶ The farmers were determined to regain monopoly over the local labour supplies, which they knew would be lost once they had to depend on reserve Africans as their chief source of labour.

We saw too that the delay in enacting the land laws and their concomitant squatter measures had led finally to the adoption of alternative proposals. Thus the farm labour problem was partly solved simply by lifting the clauses on labour tenants and squatters from the draft 1926 Land Bill, and turning them into the more restrictive Master and Servants' (Transvaal and Natal) Amendment Act in 1926 and the Native Service Contract Act in 1932. Theoretically these restrictions succeeded in tying down all African tenants in the white rural areas to a period of at least six months' service in the farming sector.²⁷

On the whole question of how to solve the labour crisis, any suggestion that the reserves be extended, developed or conserved was consistently opposed not only by the farmers but by the mining sector too. That, though, was where unanimity between these two sectors ended.

The inter-departmental committee that had been set up to gauge the available labour supply in the Union had exploded a commonly held notion that there was a surplus of local African labour available for the mines and other industries.²⁸ The urgency in appointing such an enquiry had been obvious once

24 See chap 2, pp 63-66.

25 See chap 5, p 210, and House of Assembly Debates, 4 February 1932, cols 642-646.

26 See chap 5, p 211.

27 See chap 6, pp 213-214.

28 *Ibid*, p 230 and n 6.42

the mines knew that their recruitment of foreign labourers was to be curtailed under the new 1928 Mozambique Convention. No previous estimates had been made, and the fear was expressed that the mines, by recruiting locally, would exacerbate what the farmers saw as a labour shortage.²⁹

Inevitably a labour-hungry market pointed up the importance of the Cape as the mines' main source of local workers.³⁰ To ensure a regular supply from there, the land restrictions would have to apply to the Cape too. Moreover, with the migrant labour system and the system of labour tenancy both threatening to collapse, as the NEC noted, the labour crisis grew still worse. In the face of these hazards, the mines entered a new expansionary phase in the early 1930s – and so their insatiable demand for a better supply of cheap labour rose even further.³¹

By then the state's land policy had proved so successful that in ever-increasing numbers impoverished Africans with no land in the reserves were being forced onto the labour market. But, deprived of a family anchorage in the reserves, they were moving permanently into the towns, by-passing both the mines and the farms.³²

These factors together amounted to another important reason for incorporating the Cape into the national system of labour control. Extension of the Natives' Land Act to the Cape was given top priority. Unless the Cape African franchise was abolished, the segregation policy would by definition stay ultra vires in the Cape.

Informed African opinion showed unequivocally that it was not deluded by the state's professed reasons for having to abolish the Cape franchise. The unmistakable reason was to get rid of all the exclusions and privileges the vote conferred on Cape Africans exclusively. African opposition focussed on this. It showed Africans were well aware that the Bills had been yoked together, first to deprive Cape Africans of the vote and then to draw them into the hated segregation system.³³

29 See chap 6, p 238.

30 *Ibid*, pp 233-243.

31 *Ibid*, p 218 ff

32 See chap 8, p 290, table 8.3 and p 292, table 8.4.

33 See chap 1, pp 52-54, and chap 2, pp 96-99.

So the quid pro quo of land for the loss of the franchise was a factor, but only of value as a lever to win over white opposition. The mines would want some assurance that their labour supply would not be completely disrupted by the wholesale eviction of squatters. The progressive Members would want to believe in the reality of a quid pro quo if Africans were to be subject to arbitrary restriction and eviction. The refrain was always that squatters should not be evicted from the white areas unless alternative land was provided.

But the NP had abandoned the principle of extending the reserves. Thus by 1932 the rhetoric of land as a quid pro quo for the loss of the franchise, or even as a future territorial base where Africans 'could develop along their own lines', remained only as a plausible empty slogan.³⁴

A vital role in this segregation plan belonged to the separate native administration system devised to apply in the scheduled reserves. The crux of it was the extension of administrative control over areas awarded to the Governor-General as Supreme Chief in the northern provinces. It amounted to letting him or any nominated NAD official rule by proclamation. But with the government's failure to define the scheduled areas, even the further extension of the Governor-General's power to non-scheduled areas under the 1929 Native Administration Amendment Act had not improved the position.³⁵

The reinstatement of tribal authorities under the official policy of retribalisation also presupposed the proper definition of the chief's district. This policy was doomed to fail if supplementary land legislation were not forthcoming. Already the reserves as scheduled and restricted areas in 1913 had caused many tribes to become fragmented and scattered. Since then, many more tribes had broken up and the chiefs' position was undermined still further. Even in Natal, the home of tribal traditionalism, the NEC showed the system was on the point of collapse.³⁶

The disintegration of the tribal system had important implications for government policy. Local government under the council system could not work without prior definition of the scheduled areas. The prime justification for segregating Africans in the first place and for treating them differently, was based on the idea that Africans and whites were inherently different. The

34 See chap 3, p 134.

35 Ibid, pp 112-120

36 Ibid, pp 126-129

forced reinstatement of tribal custom and law was meant to highlight and perpetuate these differences. Thus the ideologists urged the adoption of a proper reserve policy.³⁷

Detribalised, assimilated Africans were also being exhorted to 'develop along their own lines' in accordance with the so-called segregation ideal. One big sign of this was that the whole representation system devised by Hertzog's government was geared to undermine the position of the African urban elite. This is made abundantly clear in Herbst's memorandum to the Joint Select Committee. He urged them to reconsider the method of voting through electoral colleges, for he contended that only Natal would easily adjust to the system. On the Cape he wrote:

It should be borne in mind that Native opposition in the face of deprivation in the present franchise is to be expected. If it is desirable to achieve the object in view with as little disturbance of sentiment and tradition as possible and so as to make the change less unpalatable, I would urge that matters not actually germane to any scheme to be adopted, for which no great or urgent necessity can be shown to exist and for which no clear compensatory advantages can be urged be avoided. Is it necessary to swell the chorus of opposition? [sic]

38

The Cape Africans had already condemned the policy of forced retribalisation. The communal voting system, biased in favour of the rural electorate, did evoke concerted opposition when the Representation Bill was finally published, but to no avail. By then the policy of retribalisation launched by the 1927 Native Administration Act was the accepted ideal in 'native policy'.

The political importance of the retribalisation policy was overshadowed by its economic implications. There was general agreement among administrators that an efficient scheme for labour control would be achieved if a way could be found to reinstate both the chiefs' and the parents' authority. With farmers and mineowners demanding stricter use of the measures to check African influx to the towns, the only solution seemed to be to co-opt the chiefs into the system.³⁹

Moreover, the government believed that by calculating the chief's stipend on the number of taxpayers under his control they would be able to

37 Ibid, pp 133-136

38 Memorandum by J F Herbst on adjustment to electoral districts, sub-committee, 27 February 1931, JSC 1-35, p 31

39 See chap 3, pp 124-126.

extend the chief's desire for authority. The system had worked in Natal, so why not in other provinces and districts? Coupled with this, the 1925 Native Taxation and Development Act obliged Africans to pay their poll tax in their rural district. Passes to enter or stay in a specified labour district could only be issued after this tax had been paid. This was another way in which control from the rural areas was to be effected. This system might have worked, had the chiefs' authority not already been undermined. In many other cases chiefs were unwilling to co-operate in strict implementation of the system. Hence it was shown that to regulate the flow of labour from the reserves, the chiefs would have to be given real status and authority.⁴⁰

The collapse of the tribal system was not the only reason for the government's failure to halt the efflux of Africans from the reserves. The most important single factor, according to the NEC, was the gross underdevelopment of these areas following the land restrictions imposed in 1913.

The NEC had been asked to consider the whole question of African urbanisation and its effect upon the urban white and coloured groups. Central to this investigation was the problem of how to stem the African influx. The enquiry was to be made 'with a view to recommending measures, if any, to be adopted to deal with surplus Natives in, and to prevent the increasing migration to, such areas.'⁴¹

Their findings show that the commission agreed that the fact of a permanent urban African population would have to be recognised and accepted.⁴² The main thrust of their report, however, was on finding ways and means of slowing down the urbanisation process. This was to be done by keeping Africans on the land. They wrote:

In the economic development of the Reserves must inevitably be sought the main solution for the Native economic problem.

Here your Commissioners wish to sound a very earnest note of warning, namely, that unless this is undertaken soon, and on a large scale, the country must assuredly expect certain serious results:

1. The rapid extension of the process of ruination which is now almost everywhere in evidence, where excellent areas are being worked according to the very backward methods of a primitive subsistence economy.

40 See chap 6, p 243.

41 NEC terms of reference, UG 22-32, p 3

42 See chap 3, p 131, and UG 22-32, paras 523 and 539-543.

2. The resulting rapid diminution of the carrying capacity of the Native areas for both human beings and animals.
3. The rapid increase in the drift to the towns which has already assumed such a magnitude as seriously to disturb the European mind, and to create grave problems of urban housing, administration, and Native morality.

The economic development of the Reserves – which postulates social and educational development, as hereinafter defined, of the Natives in those areas – transcends in importance every other phase of the Native economic policy. It affects directly a very large proportion of the Native population. Indirectly it is at the root of the whole Native economic question. The undeveloped state of the Reserves, with the consequent pressure of the population on the land, is largely the cause of the universal Native demand for more land. It is directly one of the important causes of the steady drift to the towns: the dead uniformity of life in the Reserves results in an emigration of a large number of Natives who desire to follow occupations other than primitive pastoralism and peasant farming. This includes many of the more advanced Natives. The Reserve Natives are thus continually being deprived of many of their people who, by following more advanced methods, would gradually work like a leaven throughout Reserve communities. 'The exodus of Natives with brain and education', said one witness, 'is having a terrible effect on the territories'.

43

They then firmly linked the influx of Africans into the towns with the state's inability to solve the poor white problem. They asked which members of the white race were opposed to the more ambitious, the more progressive, the more energetic members of the 'native' race found in the towns:

Those in the forefront of the battle are the men who through lack of skill, ability or training, have to be satisfied with the less lucrative occupations. Moreover, if any of these show signs of developing, they are withdrawn from the line of battle, and other and weaker members of their race pushed into the breach.

The effect of this state of affairs has been a growing impenetration of Natives into occupation which were formerly filled by whites, accompanied by a growing white unemployment problem.

44

It is no coincidence that major revisions in Hertzog's original land and urban policies were mooted and adopted by the Joint Select Committee at this time. The changes introduced show unequivocally that the committee members at least were persuaded by the finding of the NEC that 'fundamentally the problem lay in the Reserves',⁴⁵ and the only way to solve the land, labour and poor white problems, they agreed, would be by systematically developing

43 UG 22-32, paras 83-86

44 *Ibid*, para 87

45 *Ibid*, para 16

and conserving these areas.

A chronological review of the developments in the Joint Select Committee gives the sequence of government policy changes and substantiates this argument. After adopting Nicholls' draft of the Natives' Representation Bill, the committee proceeded to consideration of the 1929 Natives' Land Amendment Bill on 20 March 1931.

On 15 April 1931 Heaton Nicholls submitted a revised draft of the Natives' Land Bill for the committee's consideration.⁴⁶ Essentially his draft incorporated three new ideas: the Natal trust system, a 20-year period for the purchase of land, and the handing over of unalienated crown land to be administered on the Africans' behalf by a board of trustees to be established in specified districts.

No final decision was reached on these proposals, for squatting was again the most contentious issue. Squatting licences were either too high or too low, and the period of grace before a squatter could be evicted was again in dispute. When the committee adjourned in May 1931, none of these issues had been agreed on.

Reconvening the committee in February 1932, the chairman laid a new Bill before them for consideration. This Bill, the Native Trust and Land Bill, had been prepared by the NAD - an entirely new departure⁴⁷ - and thus was a measure framed by a public servant. To help the committee consider the Bill, it was also resolved that the Secretary for Native Affairs, Major Herbst, 'be given special leave to be present during the proceedings of the committee'.⁴⁸

The innovations introduced into Herbst's draft and the later amendments added by the committee show conclusively that the committee were influenced by the NEC findings.

46 See JSC 1-35, annexure F. Details of Nicholls' amendments appear on p 71. The committee had omitted to make special note of his contribution when he first submitted the Native Trust and Land Bill in 1936. See Davenport & Hunt, doc 63, p 39 and doc 82, p 51.

47 See JSC 1-35, 3 February 1932, p 70 for details of Herbst's draft Native Trust and Land Bill. They are included in the report, annexure A, p 106.

48 JSC 1-35, 3 February 1932, p 70

The major change was accepting that the reserves would have to be extended, conserved and developed. To this end monies from Parliament would be appropriated. A sum as high as £30 000 000 was suggested by Nicholls, later reduced to £10 000 000 by Hertzog in Parliament. A time limit, most members agreed, would have to be set, and a quota of 7 250 000 morgen was agreed upon. For the first time compensatory land of equal pastoral and agricultural value was stipulated, and if Africans already owned land in released areas this amount would be added to the quota. A proper definition of segregated areas would be aimed at, as the terms for the acquisition, disposal and expropriation of land show.

The Natal trust system originally proposed by Nicholls was to be extended into a new corporate body, to be known as the South African Native Trust.⁴⁹ This body would administer the funds, both from Parliament and other sources, but not in isolation, for it was recommended and accepted that the Native Trust work closely with the NRC constituted under the new African representation system.

In brief, these were the main changes in principle and policy. Compared with Hertzog's 1926 and 1929 Bills, they reveal that the government had reverted to many of the SAP tenets. This was particularly noticeable on the question of squatting. Although chapter III of the 1932 Native Trust and Land Bill (chapter IV in the Bill of 1936) provided for the immediate eviction of squatters, this would only happen in specifically proclaimed areas. Moreover, land was to be made available for resettling squatters, and the NAD was made responsible for providing alternative accommodation. Sauer's policy had been reinstated with this latter proviso added into the bargain.

This was not all. The Joint Select Committee also moved towards the acceptance of Stallardism. On 7 May 1930 Stallard had put forward an amendment to the draft Natives' Representation Bill, that Africans in urban areas be limited in proportion to the number of jobs available in a town, and redundant and surplus Africans be removed to the reserves. The minutes and proceedings give no indication that the members even debated these proposals. It can be assumed, therefore, that Stallard's proposals were rejected as firmly in the Joint Select Committee as they had been in the House when he proposed them during the debate on the Urban Areas Amendment Bill.⁵⁰ But not even two

49 *Ibid*, 7 May 1930, p 17

50 See chap 8, p 317, and House of Assembly Debates, 30 January 1930.

years later, on 4 March 1932, Stallard again recommended that the Joint Select Committee adopt his proposals. The revised Native Trust and Land Bill was under consideration at the time.⁵¹ On this second occasion his recommendation had a very different reception. Firstly Patrick Duncan, 'on a point of order', asked the chairman's ruling as to whether

the question of the elimination of natives from urban areas fell within the terms of reference of the Committee in view of the fact that provision existed in the Natives (Urban Areas) Act of 1923 for dealing with the removal of redundant natives from such areas. 52

In reply, the chairman overruled Duncan, declaring that since one of the questions referred to the committee was 'that of providing for the acquisition of land by natives', 'should the Committee decide to propose legislation for the removal of redundant natives from urban areas provision would have to be made for the acquisition of land for such natives'.⁵³

Senator Langenhoven then moved:

That machinery should be provided for the exclusion and removal of natives from white urban areas where and to the extent to which their competition unduly forces white workers out of employment. 54

An amendment by Sampson that a sub-committee be appointed to give effect to these proposals was accepted, as was Payn's amendment that adequate provision be made for Africans removed from the urban areas.⁵⁵ On the latter, the NAD was made responsible for finding reserve accommodation for Africans found to be redundant in the towns. As in the case of squatter removals from farms, a clause was inserted in the Native Trust and Land Act (clause 37) giving effect to this innovation.

A sub-committee was appointed which recast Stallard's proposals in the form of an amendment to the Native Trust and Land Bill. The question was thought so important, and in prospect it embodied such wide implications, that the Joint Select Committee decided a sub-committee should be set up to draft Stallard's proposals as a separate Bill altogether. This was eventually tabled.

51 JSC 1-35, 4 March 1932, p 81

52 *Ibid*

53 *Ibid*

54 *Ibid*

55 *Ibid*, p 82

as the Native Laws Amendment Bill in 1937.

Thereafter the Native Laws Amendment Bill was made an integral part of the state's revised trusteeship policy. The NRC demanded its postponement in 1937 on the grounds that its enactment would be

a violation of the pledge which had been given in Parliament, during the debate on the Native Representation Act, that no legislation specifically affecting the native people would be introduced without reference to the Natives Representative Council for its opinion. 56

But the NAC, which significantly had Heaton Nicholls as a key member, gave the following strongly worded rejection:

The Native Laws Amendment Bill forms an integral part of the Native Legislation passed by Parliament almost unanimously last year. It is the last of the trilogy of Bills which were designed to translate into law the principle of trusteeship established by the Natives Representation Act and the Native Trust and Land Act in place of the undefined and contradictory policies hitherto prevailing....

This subject formed part of the whole policy of Trusteeship as considered by the Joint Select Committees of Parliament, which were assisted in their deliberations by the Native Affairs Commission, as well as by the principal officials of the Native Affairs Department. The principle of limitation of natives in urban areas was adopted in the draft Bill agreed upon by the Parliamentary Commission which sat in Pretoria in 1932.

There can be no doubt, as the records prove, that the principle of limitation was intended to be accepted as a fundamental part of the native policy accepted by Parliament last year. Indeed if that principle were not accepted, there would be little use in going on with the purchase and development of additional land for natives, since, if nothing is done to prevent the increasing momentum of drift to the towns, the greater portion of the native population will, within an appreciable lapse of time, have left a number of the native reserves. It will be a long time before rural development can overcome the lure of the city, where the glitter and excitement of the street open up a new world to the adventurous amongst the untutored natives. 57

Stallardism had thus finally been accepted. So had Sauer's squatter resettlement policy. Both these changes to Hertzog's original segregation policy depended on first extending the reserves. As the NAC so explicitly said, 'there would be little use in going on with the purchase and development

56 NAC report 1937-1938, UG 54-39, p 7

57 Extracts from the letter addressed to the Minister of Native Affairs on 10 May 1937. The full text of the letter appears in UG 54-39, pp 8-9.

of additional land for natives . . . if nothing is done to prevent the increasing momentum of drift to the towns'.

Both the acceptance of Stallardism and the adoption of a land policy to conserve the reserves and extend them immediately came in 1932 along with the economic depression and the reports of the several commissions that, during 1930 and 1931, had investigated the Union's economic and social ills.⁵⁸

The NEC's startling revelations on the desert-like condition of most areas in the reserves and their contention that this was the root cause of the uncontrolled influx of landless Africans to the towns must have shocked Hertzog and the other committee members, for, as late as 1930 they had insisted there was room enough in the reserves to take the 'redundant' population from the towns.⁵⁹ This and the warnings sounded by the Carnegie commissioners on the serious plight of the poor whites certainly influenced the committee to revise its policy on methods of influx control. Langenhoven's resolution in the Joint Select Committee cited earlier shows just how closely African urbanisation and the problems of poor whites had become linked. It was this rather than a sudden altruism in the Hertzog administration that led to a reversal in the previously restrictive land policy. The government was finally convinced that the only way to safeguard the interests of whites was to keep the urban areas as a white preserve. If Africans entered town, they would come as temporary sojourners willing to minister to the needs of white masters. This in part would account for the reversal in the state's land policy.

It is no coincidence that Stallard, as MP for Roodepoort, should have been the one to promote strict influx control measures as these were favoured by the mines. The grave warnings by the 1932 Low Grade Ore Commission, the Inter-departmental Committee on Labour Resources, and the Government Mining Engineer on the bleak outlook for mining development and the economy as a whole if the labour crisis were not resolved, made Hertzog reappraise his labour policy towards the mines. The gold standard debacle finally forced his hand, and he agreed to introduce strict influx control.⁶⁰

58 See n 3 above.

59 See chap 8, p 318 and Hertzog's speech during the second reading debate on the Natives (Urban Areas) Amendment Bill in January 1930.

60 See chap 6, *passim*.

The decision to reinstate the 1913 squatter policy is less easily explained. J F Herbst, in a confidential letter to Rheinallt-Jones, gave the following insights:

Personally, I am quite satisfied that if this is to be the final settlement, then the land is of course quite insufficient for if all Natives today in the European areas are to be located in the Native area, wholesale starvation would result. It must be remembered that when the Commission and Committee reported there was no such thing as a White labour policy, on the contrary, it was stated that there would be no great influx from the European farms to the towns. It is only now since the White labour policy has been started that there is talk of removing Natives from the urban areas. I know what will happen - you will find all the farm Natives still on the farms in 20 years' time, probably more of them. Public opinion will not allow of any interference in this respect. The farmers on the Commission sat with tongues in their cheeks when Chapter IV was under consideration. Personally, I am strongly in favour of free hired labour in preference to the squatter system which is tantamount to slavery, but it will be a long day before farmers will surrender their present privileges. All the farmer witnesses from the Northern Transvaal and Natal opposed the provision in the Bill. You will find the Committees will be most liberal in the interests of the farmers in allowing labour tenants.

61

The Bill was aimed primarily at the eviction of squatters from company land, but as Herbst remarked, even then

the Bill states definitely it is the duty of the Government (not the Trust) to provide land for every ejected Native or at least a home, and of course money will have to be provided on the estimates.

62

It is significant that he reiterated this and also remarked, 'the law will say it is the duty of the government to provide for all evicted Natives though I am sure the Commission never fully appreciated the effect of this clause'.

It can also be argued that Hertzog's main objective was still the uniform extension of the segregation policy to the Cape. The mines' labour problems made such a solution even more urgent in the 1930s. On the strength of this and to prevent the mines from disrupting the farmers' supply of labour any further, Hertzog may have been prepared to compromise on the squatter issue. It was laid down, furthermore, that only bona fide squatters would be allocated land in the reserves if they refused to accept labour tenancy service conditions. The farmers' interests, as Herbst intimated, were still safeguarded.

61 J F Herbst to J D Rheinallt-Jones, 5 December 1935, Rheinallt-Jones papers, SAIRR archives, B(100)a, p 2. On Rheinallt-Jones's request that Herbst's views be published, Herbst asked that they be kept confidential. He wrote: 'as you understand I heard all that was said - said with the knowledge that it was privileged; similarly my Minister in consulting me naturally had to speak his mind and so I am in a privileged position to criticise, and I feel I would not be playing the game.' See p 5 of the letter.

62 *Ibid*, p 4

Reviewing the revised 'native policy' in this way, it can be argued that the compromise in Hertzog's 'native policy' was on the land policy and not the franchise question, as is traditionally held. Herbst's remarks on this issue seem to substantiate this view. He wrote on the Parliamentary Representation Bill:

Of course, I know all the difficulties of the present situation, and that the Government, on account of the preference of the Native for one particular party, the South African Party as it was in later years, was practically pledged to rid politics of the Native vote and cannot withdraw without a complete break-up.

Unfortunately, the opposition of the Nats was augmented by the Natal Party, and so though General Hertzog started off with representation in the Assembly, he was outdistanced by Natal and naturally took his cue from them. I still think the Natives should accept the position, but insist on representation in the Assembly, and not in the Senate. From what I can gather the Nats are assured of the necessary majority to pass the Bills, and I am afraid all that can be done is to try and retain representation in the Assembly which was the Prime Minister's original proposal, and he can hardly oppose that.

63

The foregoing suggests it can be said that the significance of the 'native policy' solution eventually arrived at in 1936-1937 is threefold: the solution bore the stamp of the SAP especially in its reserve policy in the interests of the mines; the compromise was not on the franchise question as is traditionally held but on the land and urban policy; lastly, the compromise solution was in fact reached by the middle of 1932 - before the move towards coalition of the SAP and NP in January 1933. Hence the idea that Hertzog entered coalition and then fusion with the SAP in order to secure the necessary two-thirds majority support for his franchise proposals is erroneous.

As in 1909, the two sides in 1936 had merely agreed to differ on certain aspects of the government's policy and Africans were again sacrificed on the altar of white needs. Professor R F A Hoernle was one of the few who appreciated this at the time. He wrote of the trusteeship policy:

on the short-range plane, progress in the name of 'trusteeship' can sometimes be achieved by carefully dodging the 'long-range' question, what sort of trusteeship is intended. The liberal-minded trustee can say to himself: 'this is another step along the road which terminates in the abolition of trusteeship', whilst

simultaneously the illiberal trustee can say to himself: 'so far as I can see, this leaves the fundamental relation between trustee and ward unchanged; therefore, I can safely allow it to happen.' 64.

As he so aptly concluded:

The segregationists have won the day: they have got their racial caste society throughout the White areas of the Union. But, the best, the most conscientious, among them are ill at ease. Still talking of 'segregation', they are in truth beginning to dream dreams of 'separation'. They dream of racially-pure societies. They are afraid of the White group losing its racial identity through absorption, by miscegenation, into a 'coffee-coloured' mixture. Race-and-colour-proud themselves, they would gladly see an answering race- and colour-pride on the side of the Africans. They believe that this much desired consummation can be achieved only by kraaling Blacks and Whites apart in territorially-separated areas, which for Natives are called 'Reserves' and which only the desire not to hurt the feelings of the White dominant caste prevents us from calling 'Reserves' for Whites, too. Their great obstacle, however, is the economic entanglement of the two race groups: White domestic life, White agriculture, White factories and mines, White conveniences and services, are built upon Native labour. Caught in this entanglement from which there is no visible escape, except at a price which the White group is not likely ever to pay willingly, their dreams of separation reduce in practice to the caste society with which we are familiar now. 65

64 Professor R F A Hoernle, 'Present-day trends in South African race relations', presidential address delivered at a public session of the council of the SAIRR, 20 January 1941, reprinted in Race Relations, v 8, 1, 1941, p 16

65 *Ibid*, p 19

APPENDIX A

- 1 Growth of the Cape Province common roll electorate (all races)
- 2 Slow growth of the Cape African vote over 20 years, 1909–1928
- 3 Devaluation and reduction of the Cape African vote
- 4 Graph showing proportionate value of African and white voters in the Union, 31 December 1926
- 5 Cape African franchise and the Natives' Land Act 1913

GROWTH OF THE CAPE PROVINCE COMMON ROLL ELECTORATE (ALL RACES)

Year	White voters	Black voters			Total voters	Black voters as % of total	African voters as % of total
		African	Coloured	Total			
1905	119 906	8 190	14 836	23 034	142 940	16.1	5.7
1909	121 336	6 637	14 394	21 031	142 367	14.8	4.7
1921	156 501	14 282	26 790	41 072	197 573	20.8	7.2
1927	173 291	16 481	26 091	42 572	215 863	19.7	7.6
1929	167 184	15 780	25 618	41 398	208 582	19.8	7.6
1931	352 658	12 271	26 378	38 649	391 307	9.9	3.1
1933	369 182	10 776	25 005	35 781	404 963	8.8	2.6
1935	382 103	10 628	24 793	35 421	417 524	8.5	2.5
1937	396 237	-	26 700	26 700	422 937	6.3	-

Sources: L M Thompson, The Cape Coloured franchise, SAIRR New Africa pamphlet, p 55 and the Union Year Book 23, 1946, chap 2, pp 47-48

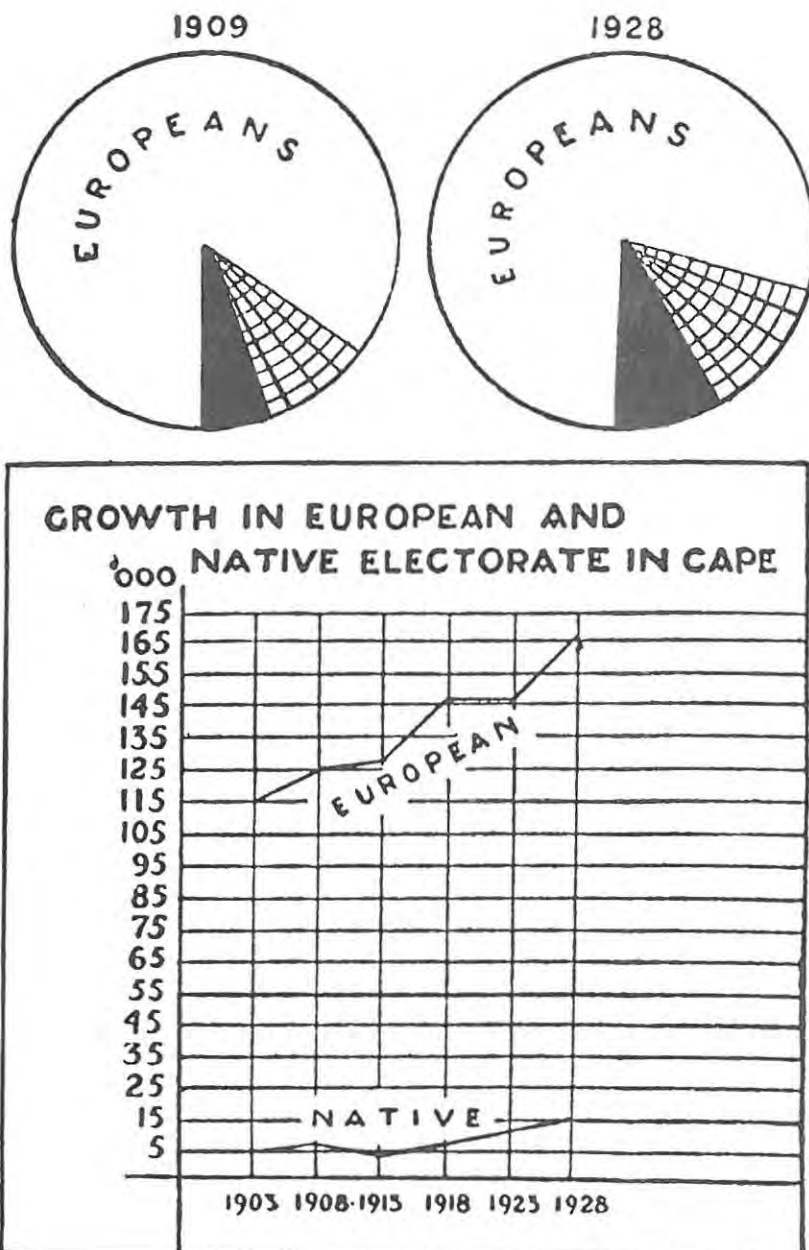
THE CAPE NATIVE VOTE.

Its Slow Growth in Twenty Years.

In view of the reckless statements which have been made in recent weeks by the Prime Minister as to the growth of the Native vote in the Cape Province, we print below diagrams which illustrate the very slow increase of the Native vote in relation to the European and coloured vote during the past twenty years. Each circle represents one hundred voters. In 1909, the Native vote numbered 5.1 in every 100 voters. After twenty years the Native vote numbers 7.5 in every 100 voters.

The cross hatched segments in the circles show the proportion of coloured voters; the black, the proportion of Natives.

In the second diagram it will be seen that the Native vote in twenty-five years has grown from 5,000 to 16,000, while the European vote in the Cape has increased from 115,000 to 170,000. The Native vote therefore has increased in twenty-five years by 11,000; the European vote has increased by 55,000.



The following article, which appeared in SA Outlook while the Natives' Representation Bill was being debated in Parliament, confirms the deductions made by Archibald Linton that the Cape vote had been both devalued and radically reduced without the government having to resort to a constitutional way out of their problem.

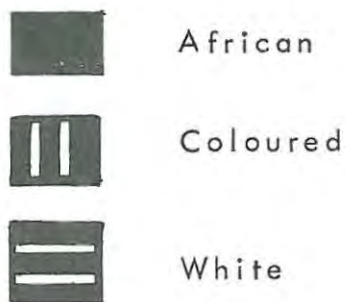
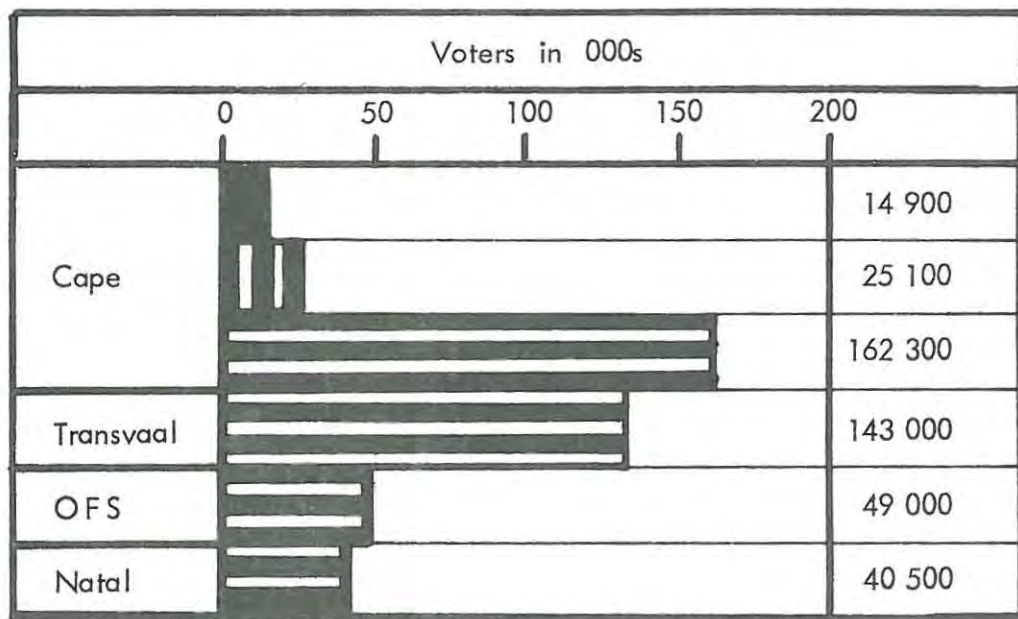
THE NATIVE VOTE

The Department of the Interior, by means of a Government Gazette published on 3rd January [1936], furnished interesting figures relating to the registration of voters in the Union. The total number of voters is now 960,129, consisting of 504,752 men and 455,377 women. The provincial totals are Cape 417,524; Transvaal 349,000; Orange Free State 101,089; Natal 92,116. In the Transvaal and the Orange Free State all the voters are White. On the Natal roll there are the names of 10 Asiatics, 343 persons of mixed or Coloured races, and 1 Native. The Cape has amongst its voters 1,401 Asiatics, 1,796 Malays, 21,596 mixed or Coloured races, and 10,628 Natives. In 1921 the number of Native voters in the Cape was 14,282 and in 1927 it was 16,481, the highest number ever recorded. Since 1927 the Native vote has steadily dropped and now stands, as stated, at 10,628. Over the whole Union the European voting strength is 924,354 and the non-European 35,775. In view of the commonly expressed fear of the effect of the Native vote in the Cape Province, it is interesting to note that the Native vote in the Province forms only 2½% of the total. Out of 61 constituencies in the Cape only ten have more than 450 Native voters. Even in Tembuland, the so-called "Native constituency", the Native vote is not one-third of the total. The figures for the ten constituencies referred to are as follows:

	Total voters	Native voters
Tembuland	5,258	1,440
Griqualand	5,410	975
Cathcart	5,933	810
King William's Town	6,260	680
Queenstown	6,351	591
Maitland	7,299	569
East London (North)	8,356	524
Uitenhage	7,572	482
Aliwal	5,565	481
Fort Beaufort	5,858	461

Source: SA Outlook, February 1936

PROPORTIONATE VALUE OF AFRICAN & WHITE VOTERS
IN THE UNION ON 31 DECEMBER 1926



Source: Data from Johannesburg Joint Council of Europeans and Natives, Memorandum 4, In defence of the Cape franchise, para 6 and p 12; and SC 10-27, appendix B, p ix

THE CAPE AFRICAN FRANCHISE AND THE NATIVES' LAND ACT 1913

171. It is interesting to note how far the Native in the Cape Province has availed himself of the right to become a registered voter.

172. According to the figures given in the Statistical Year Book, 1913, the total Bantu, Asiatic, and Coloured *males* in the Cape Province in 1911 was 1,982,588, and of these there were 23,092, or a little over 1 per cent., registered voters; but most of these voters are the coloured or mixed people. The bulk of the Native population is to be found in the Transkeian Territories and, omitting the Divisions of Elliot and Maclear, which are "white" areas, the Transkeian male Bantu population is 398,508, of whom only 1,194, or .3 per cent. (three in every 1,000), are registered as voters. How many of these exercise their right by virtue of the property qualification and how many by the receipt of wages to the amount of £50 per annum, cannot be determined; but it is more than probable that the large majority rely on wages and not on property. In the rest of the Cape Province there are 322,933 *male* Natives of whom only 5,690, or 1.75 per cent. are registered as voters.

173. The facts lead to the conclusion that, so far as the Natives are concerned, the application of the Act to the Province of the Cape now would affect not more than nine individuals in every 1,000 Natives in respect of their right to qualify for the Franchise. The effect on the European population would be far greater.

174. No one can doubt that by reason of the right to become a registered voter the Native in the Cape Province has been enabled to secure attention to his wants and his interests and to make his voice heard in Parliament. It is not suggested that he should be deprived of this right; but it is suggested that by the application of the principle of territorial separation as embodied in the Natives Land Act the restriction imposed on the opportunity of the Native to qualify himself for the Franchise is an extremely limited one, and that it would be a matter for serious regret if for this reason the principle of the Lands Act cannot be applied to an area comprising more than half the Union.

175. The crux of the whole question lies in the fact that in the Cape Province there is no difference between white, coloured, and black, as to qualifications necessary for the Franchise: one of these qualifications is the property qualification, and it is this qualification which the Natives Land Act touches. Can it be said that this is an insuperable difficulty?

176. Attached is a Return of the number of coloured voters in the Cape Province.

THE CAPE VOTERS - 1911 AND 1914

RACE	CAPE (PROPER).			TRANSEKIAN TERRITORIES.			PROVINCE OF THE CAPE OF GOOD HOPE.		
	Total No. of Males. (1911).	Total No. registered Voters (1914).	Percentage of registered Voters.	Total No. of Males. (1911).	Total No. registered Voters (1914).	Percentage of registered Voters.	Total No. of Males. (1911).	Total No. registered Voters (1914).	Percentage of registered Voters.
European ...	293,834	127,987	43·56	7,434	3,453	46·44	301,268	131,440	43·62
Kaffir ...	} 322,933 {	3,971	} 1·75* {	} 398,509 {	1,106	} ·29* {	} 721,441 {	5,077	} ·95* {
Fingo ...		1,719			88			1,807	
Other ...	} 222,029 {	14,123	} 6·48 {	} 4,328 {	221	} 6·93 {	} 226,357 {	14,344	} 6·49 {
Hottentots ...		270			80			350	
Indian ...	} 6,557 {	1,669	} 42·01 {	} 48 {	4	} 8·33 {	} 6,605 {	1,673	} 41·92 {
Malay ...		1,080			—			1,080	
Chinese ...		16			—			16	
Total	845,353	150,745	—	410,318	4,952	—	1,255,671	165,697	—

*NOTE.—The percentage would probably be lower if the population of 1914 were obtainable.

Source: Report of the Natives' Land Commission (Beaumont minute), UG 25-16, p 21

APPENDIX B

- 1 Estimated area and population of African areas, 1916 and 1926
(this chart should be read in conjunction with the map inserted at the end)
- 2 Actual occupation of various classes of land by Africans in 1916
 - a Union of South Africa - areas
 - b Union of South Africa - African population
 - c Categories of land owned by Africans in released areas, 1926
- 3 Actual occupation of various classes of land by Africans in 1916
 - a Chart showing graphically areas and classes of land occupied by Africans
 - b Chart showing graphically the numbers of Africans occupying various classes of land
- 4 Reduction in mortgage of scheduled and released areas between 1913 and 1927
 - a Allocation of scheduled and released areas, 1913 to 1927
 - b Table comparing various classes of land exclusively occupied by Africans in 1916 and 1926
 - c Table illustrating percentage increase and decrease of various classes of land occupied by Africans in 1916 and 1926
 - d Table illustrating various classes of land exclusively occupied by Africans in each province of the Union, 1916
 - e Table illustrating various classes of land exclusively occupied by Africans in each province of the Union, 1926
 - f Population distribution on various classes of land by Africans, 1936

-
- 5 Land purchased under administrative dispensation in 'committee' areas, 1919 to 1928
 - 6 Estimate of area of arable and other land in scheduled reserves
 - 7 Comparison of population and livestock in white and African areas
 - 8 Average annual percentage increase in population, 1904 to 1936
 - 9 Incidence of migrant labour in the Union of South Africa, 1936
 - 10 Chart showing land company land occupied by African and white tenants

Estimated Area and Population of Native Areas (a).

(The sub-totals are repeated in Column 4 only where Trust Purchases took place in the Region between 1936 and 1939).

Region. (b)	Native Areas, 1916. (c) sq. mls.	Native Areas, 1936. sq. mls. (d)	Native Areas, 1939 (Trust Added). sq. mls.	Native Population. (e)		Population per Square Mile.		Normal Rainfall. Ins. (h)
				1916. (f)	1936. (g)	1916.	1936.	
Cape Province—								
North Western (Total).....	4,215	5,988	5,988	75,100	89,200	17.8	14.9	—
Mafeking.....	1,208	1,216	1,216	18,200	32,000	—	—	22
Vryburg.....	1,232	2,800	2,800	15,400	18,200	—	—	19
Taungs.....	642	676	676	21,200	19,700	—	—	17
Barkly West.....	377	377	377	10,000	7,200	—	—	16
Kuruman.....	756	919	919	10,300	12,000	—	—	15
Herschel.....	682	682	682	39,100	36,300	57.4	53.2	27
Glen Grey/Queenstown.....	1,121	1,188	1,204	62,500	73,600	55.8	62.0	22
Ciskei (Total).....	1,155	1,259	1,392	121,100	120,200	105	95.4	—
Kingwilliamstown.....	737	424	471	—	41,500	—	—	25
Middledrift.....	—	308	308	84,300	25,400	—	—	20
Keiskamahoe.....	—	115	115	—	15,300	—	—	25
Victoria East.....	98	105	105	14,700	9,800	—	—	23
Peddie.....	260	256	271	14,600	18,100	—	—	23
East London.....	60	51	122	7,500	10,000	—	—	33
Transkei (Total).....	13,563	13,916	14,084	892,100	1,107,100	65.6	79.5	—
Highlands (Sub-total).....	3,683	3,717	3,885	192,200	243,100	52.1	65.4	—
Matatiele.....	656	606	733	37,200	44,400	—	—	27
Mt. Ayliff.....	330	362	362	13,200	25,500	—	—	27
Mt. Currie.....	82	32	32	3,100	3,100	—	—	27
Mt. Fletcher.....	921	923	923	25,800	37,100	—	—	28
Mt. Frere.....	644	662	662	38,800	47,400	—	—	29
Umzimkulu.....	513	608	648	34,900	44,300	—	—	28
Qumbu.....	537	524	524	33,300	41,200	—	—	30
Midlands (Sub-total).....	5,893	6,060	6,060	398,600	484,100	67.6	79.8	—
Flagstaff.....	412	420	—	32,400	42,500	—	—	34
Tabankulu.....	501	503	—	40,000	45,900	—	—	30
Libode.....	515	520	—	26,000	37,900	—	—	29
Tsolo.....	592	600	—	33,900	38,600	—	—	26
Umtata.....	562	562	—	41,600	44,500	—	—	26
Engobo.....	1,030	1,060	—	60,900	70,100	—	—	32
Idutywa.....	438	440	—	30,100	35,100	—	—	23
Nqamakwe.....	418	418	—	32,000	39,400	—	—	28
Tsomo.....	392	392	—	25,800	33,000	—	—	22
Butterworth.....	240	237	—	20,300	24,300	—	—	25
St. Marks.....	447	567	—	39,200	53,500	—	—	25
Xalanga.....	346	341	—	16,600	19,300	—	—	24
Coastal (Sub-total).....	3,987	4,139	4,139	301,300	379,900	75.4	91.8	—
Bizana.....	697	697	—	42,200	57,300	—	—	32
Lusikisiki.....	904	918	—	49,700	69,100	—	—	43
Port St. Johns.....	293	298	—	18,000	23,300	—	—	48
Ngqeleni.....	427	531	—	41,700	46,700	—	—	31
Mqanduli.....	484	484	—	35,100	46,500	—	—	27
Elliotdale.....	279	279	—	34,600	33,700	—	—	27
Willowvale.....	500	500	—	42,100	55,300	—	—	41
Kentani.....	403	432	—	38,000	48,100	—	—	36
Natal, excluding Zululand—								
Highlands (Sub-total).....	1,282	1,202	1,202	65,200	100,600	50.8	83.3	—
Bergville.....	459	418	—	11,900	17,400	—	—	26
Dundee.....	123	66	—	5,200	10,200	—	—	32
Estcourt.....	200	180	—	10,800	16,500	—	—	29
Klip River.....	144	121	—	8,200	17,100	—	—	30
Newcastle.....	79	84	—	4,200	7,400	—	—	36
Impendhle.....	70	108	—	7,700	8,500	—	—	36
Polela.....	207	227	—	17,100	23,500	—	—	42
Midlands (Sub-total).....	2,487	2,623	2,623	193,200	309,500	77.7	117.7	—
Msinga.....	670	706	—	41,200	60,800	—	—	26
Kranskop.....	298	202	—	11,700	17,200	—	—	30
Mapumulo.....	215	324	—	31,600	40,300	—	—	39
Umvoti.....	176	150	—	10,000	16,000	—	—	38
New Hanover.....	111	116	—	7,700	13,600	—	—	38
Ndwedwe.....	256	272	—	26,300	44,400	—	—	42
Camperdown.....	52	80	—	5,900	12,000	—	—	27
Pietermaritzburg.....	114	130	—	11,000	19,700	—	—	36
Richmond.....	81	64	—	5,900	9,900	—	—	44
Ixopo.....	215	281	—	21,500	37,700	—	—	34
Alfred.....	299	298	—	20,500	37,900	—	—	32
Coastal (Sub-total).....	893	819	819	88,500	160,800	99.0	198.0	—
Pinetown.....	308	298	—	36,200	59,300	—	—	36
Umzinto.....	338	293	—	30,300	59,900	—	—	43
Port Shepstone.....	247	228	—	22,000	41,600	—	—	44
Zululand (Total).....	6,540	7,661	7,676	241,100	318,300	36.8	41.6	—
North (Sub-total).....	2,589	3,486	3,486	68,700	80,600	26.5	23.1	—
Ingwavuma.....	1,405	1,609	—	33,200	39,200	—	—	32
Ubombo.....	618	1,065	—	17,500	21,200	—	—	35
Hlabisa.....	566	812	—	18,000	20,000	—	—	44
Inland (Sub-total).....	3,236	3,558	3,573	134,900	193,200	41.6	54.3	—
Nongoma.....	692	868	868	16,300	29,400	—	—	35
Mhlabatini.....	458	606	606	14,000	20,900	—	—	32
Entonjaneni.....	329	311	311	10,000	16,800	—	—	31
Eshowe.....	557	557	572	36,700	47,300	—	—	53
Nkandhla.....	627	628	628	30,900	42,800	—	—	32
Nqutu.....	573	590	590	27,000	36,100	—	—	30
Coastal (Sub-total).....	715	617	617	37,600	44,600	52.5	72.0	—
Lower Umfolosi.....	459	358	—	14,900	17,000	—	—	42
Mtunzini.....	256	259	—	22,700	27,400	—	—	50

TABLE I.—Estimated Area and Population of Native Areas (a) —(continued).

Region. (b)	Native Areas, 1916. (c) sq. mls.	Native Areas, 1936. sq. mls. (d)	Native Areas, 1939 (Trust Added). sq. mls.	Native Population. (e)		Population per Square Mile.		Normal Rainfall. Ins. (h)
				1916. (f)	1936. (g)	1916.	1936.	
Transvaal—								
Central (Total).....	1,486	1,781	2,748	103,700	114,900	69.6	64.5	—
Rustenburg.....	750	1,108	1,845	42,600	46,900	—	—	26
Brits.....	—	90	97	—	8,000	—	—	23
Waterberg.....	163	100	110	26,800	6,300	—	—	24
Pretoria.....	345	255	270	18,900	28,300	—	—	28
Middelburg.....	228	228	426	15,300	25,300	—	—	29
Western (Total).....	856	856	1,290	32,700	37,700	38.2	44.0	—
Marico.....	582	582	760	20,000	17,900	—	—	23
Lichtenburg.....	274	274	530	12,700	19,800	—	—	23
North and East (Total).....	3,816	6,847	8,158	277,000	439,300	72.6	64.2	—
Potgietersrust.....	—	514	972	—	37,800	—	—	25
Pietersburg.....	1,303	780	1,464	105,600	110,600	—	—	19
Zoutpansberg.....	867	2,632	2,755	117,000	146,500	—	—	29
Letaba.....	—	1,124	1,170	—	63,300	—	—	31
Lydenburg.....	896	767	767	37,800	43,800	—	—	24
Pilgrimsrest.....	—	280	280	—	14,200	—	—	39
Nelspruit.....	—	230	230	—	11,800	—	—	28
Barberton.....	750	520	520	16,600	11,500	—	—	30
Orange Free State—								
East (Total).....	456	397	405	21,400	18,600	46.8	46.8	—
Harrismith.....	166	165	165	4,700	7,700	—	—	25
Thaba 'Nchu.....	290	232	240	16,700	10,900	—	—	24
GRAND TOTAL.....	38,552	45,219	48,271	2,212,600	2,926,000	57.4	64.6	—
Other Areas not Included.....	6,570	6,570	6,860	56,400	36,400	—	—	—
GRAND TOTAL FOR UNION.....	45,100	51,800	55,100	2,269,000	2,962,400	50.3	57.2	—
<p>(a) Excludes Natives on European-owned land (see paragraph 17 of text).</p> <p>(b) See paragraph 34. Account must be taken of changes in magisterial districts. To make the Table of manageable proportions Native Areas with only relatively small populations have been incorporated in "Other Areas."</p> <p>(c) Estimates by Beaumont Commission U.G. 19/1916, Appendix III.</p> <p>(d) For method of calculation see Annexure III.</p> <p>(e) See paragraph 36.</p> <p>(f) U.G. 19/1916. Appendix IV.</p> <p>(g) U.G. 21/1938. Table 13.</p> <p>(h) Normal annual rainfall at longest established station in principal village or town <i>vide</i> U.G. 6/1938. There may, of course, be considerable variations of rainfall within relatively small areas.</p>								

Source: Social and Economic Planning Council report 9: The native reserves and their place in the economy of South Africa, UG 32-46, pp 8-9

(See end map for the distribution of 'native areas' in the Union of South Africa.)

B.2 ACTUAL OCCUPATION OF VARIOUS CLASSES OF LAND BY AFRICANS IN 1916

a Union of South Africa - areas (approximate; in morgen)

NOTE.—Areas within Municipalities, etc., excluded in (1) to (10)

PROVINCE.	(1) Native Reserves or Locations.	(2) Mission Lands and Mission Reserves.	(3) Native owned Farms.	(4) Crown Lands occupied by Natives.	(5) Lands owned and unoccupied by Europeans but occupied by Natives.	(6) Total extent land under Native occupation.	(7) Total extent scheduled Native Areas.	(8) Crown Lands not reserved for any special purpose.	(9) Crown Lands reserved for some particular purpose. Forest, etc.	(10) European owned Farms other than under Col. 5 and including Crown Land leased to Europeans.	(11) Urban Areas.	(12) Total Area of Province.
CAPE OF GOOD HOPE ..	7,115,561	238,074	397,973	58,998	98,427	7,909,033	6,217,037	3,828,300	5,557,528	65,396,536	1,057,696	83,749,093
NATAL	2,897,120	152,507	176,834	340,802	1,012,139	4,579,402	2,972,312	638,365	162,289	5,144,696	95,891	10,620,643
TRANSVAAL .. .	1,077,513	116,331	298,731	542,480	3,045,763	5,080,818	1,159,296	4,689,186	2,836,678	20,383,341	400,573	33,390,596
ORANGE FREE STATE ..	74,290	31,431	128,501	..	..	234,222	74,290	793	3,927	14,787,765	209,919	15,236,626
TOTAL	11,164,484	538,343	1,002,039	942,280	4,156,329	17,803,475	10,422,935	9,156,644	8,560,422	105,712,338	1,764,079	142,996,958

b Union of South Africa - African population

PROVINCE.	(1) Native Reserves or Locations.	(2) Mission Lands and Mission Reserves.	(3) Native owned Farms.	(4) Crown Lands occupied by Natives.	(5) Lands owned and unoccupied by Europeans but occupied by Natives.	(6) Total (1) to (5).	(7) Morgen per Unit.	(8) Private Lands occupied by Europeans.	(9) Crown Lands leased to Europeans.	(10) Urban and Mining Areas.	(11) Total Rural Population.	(12) Total for Province.
CAPE OF GOOD HOPE ..	1,149,438	24,335	39,272	12,524	7,592	1,233,161	3.0	239,693	664	127,990	1,473,518	1,601,508
NATAL .. .	479,822	44,535	39,250	37,070	85,505	686,182	6.6	356,222	1,724	37,954	1,044,128	1,082,082
TRANSVAAL .. .	283,144	24,024	40,430	71,511	232,082	651,191	7.8	390,332	18,306	322,456	1,059,829	1,382,285
ORANGE FREE STATE ..	17,200	1,768	4,696	..	..	23,664	9.9	278,346	1,029	48,751	303,039	351,790
TOTAL	1,929,604	94,662	123,648	121,105	325,179	2,594,198	6.8	1,264,593	21,723	537,151	3,880,514	4,417,665

Source: Report of the Natives' Land Commission (Beaumont), UG 19-16, appendix 3, p 9 and appendix 4, p 9

B.2 c CATEGORIES OF LAND IN THE RELEASED AREAS (1926)

Province	Total extent of released area	Total owned in them by Africans	Approx extent of unalienated crown land there
Cape	1 494 165	135 138	80 376
Natal	436 288	119 572	44 287
Transvaal	5 007 822	405 424	1 249 617
OFS	79 342	48 157	-
Total	7 017 617	708 291	1 374 280

Areas quoted in morgen
(1 morgen = 0.857 hectare)

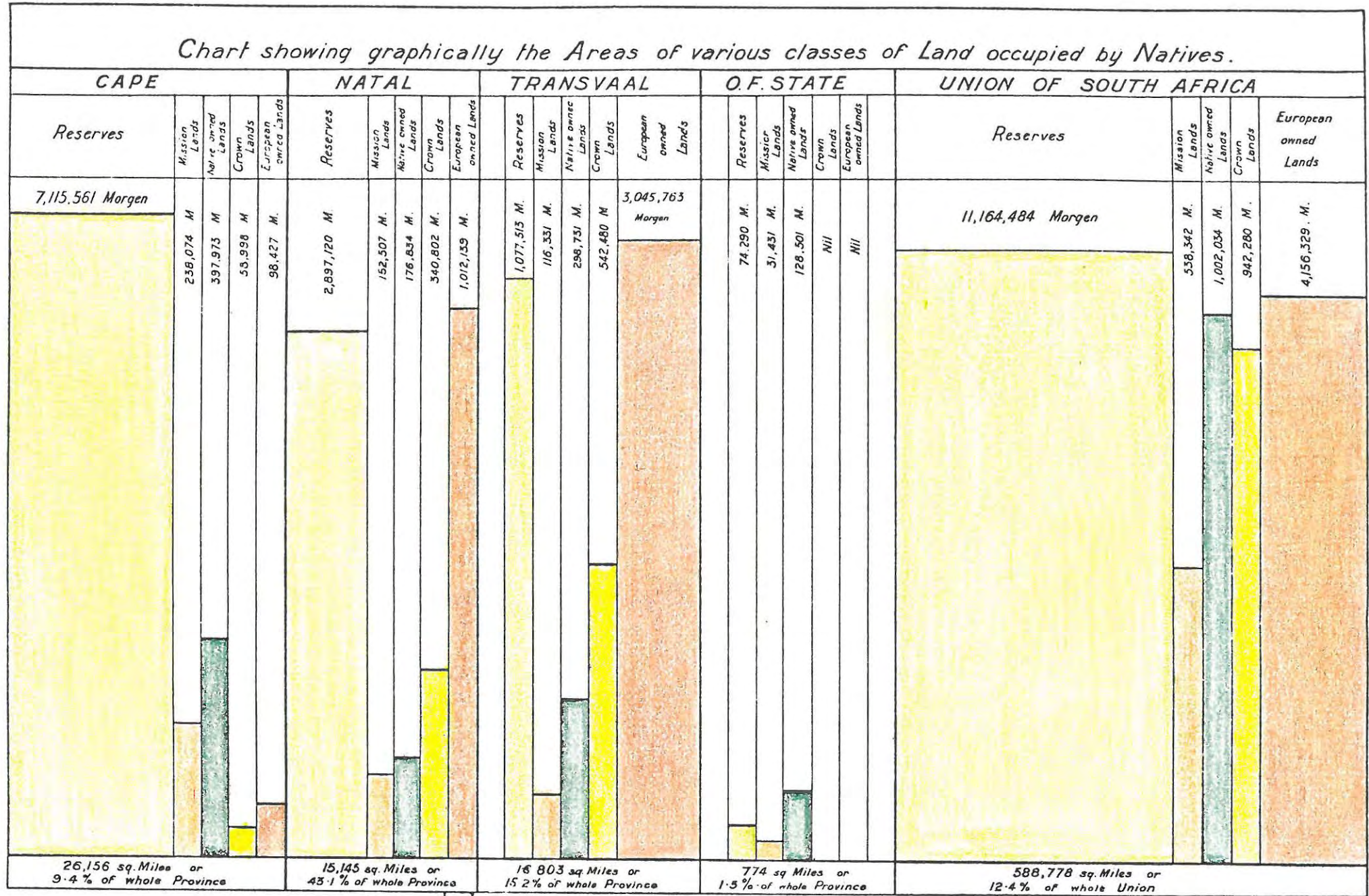
Source: Report of the Select Committee on the Subject of the Native Bills, SC 19-27. Table adapted from appendix A, i-vii

The various classes of land can be categorised as follows:

- a RESERVES which consist of scheduled areas under the Natives' Land Act 27 of 1913 as amended by Acts 28 of 1925, 34 of 1927, 36 of 1931, and 27 of 1935. Included under this heading of reserves are the Natal mission reserves, but not mission stations in the other provinces. These were the 'native areas' proper.*
- b RELEASED AREAS. The Beaumont Commission, 1916, provided that a 'quota' of 8 365 700 morgen of land should gradually be added to the scheduled reserves. This quota was reduced subsequently by the five local land committees (UG 8, 22, 23, 31, 34 and 41 of 1918). The released areas included in Hertzog's revised Land Bills are referred to here as COMMITTEE AREAS. The latter correspond roughly with the areas recommended by both the Beaumont Commission and the local land committees. See appendix B.4a and table 2.1 for varying allocations.
After 1923 only areas recommended by the local land committees were deemed 'committee areas' and could be purchased by special dispensation. See Government Notice in Gazette, 14 July 1923, and appendix B.5 below.
- c AFRICAN-OWNED LAND. This includes land bought by Africans individually, as syndicates, or as tribes, and not scheduled as 'native areas'. (That is, Acts and regulations did not apply to these areas.) Africans outside the Cape could only buy such land, either without special permission, from an African who owned this land outside a released area; or with special permission, from anyone of any race within a committee area. In the OFS Africans could own land only in the district of Moroka in Thaba 'Nchu.
- d WHITE-OWNED LAND, or 'non-native areas', comprised all land outside the scheduled and released areas. It included non-scheduled crown land; farms - either occupied or unoccupied - owned by whites; and mission stations (but not mission reserves). Africans could reside on these lands with special permission. Under certain contingencies, they could be rent-paying tenants. In other cases, an African was either a labourer working for wages or a labour-tenant giving a specified period of free labour every year to the white landlord in exchange for his right to remain on the land. There was no security of tenure in these cases. See chap 5 on farm labour and squatters. (4 156 329 morgen were owned but not occupied by whites in 1916; and 105 712 338 morgen were owned by or leased to whites in 1916. See appendix B.2 cols 5 and 10.)
- e AFRICANS IN THE URBAN AREAS. Their rights of residence were regulated under the Urban Areas Act of 1923. Chap 8 deals with the government's policy towards Africans residing in urban and peri-urban areas.

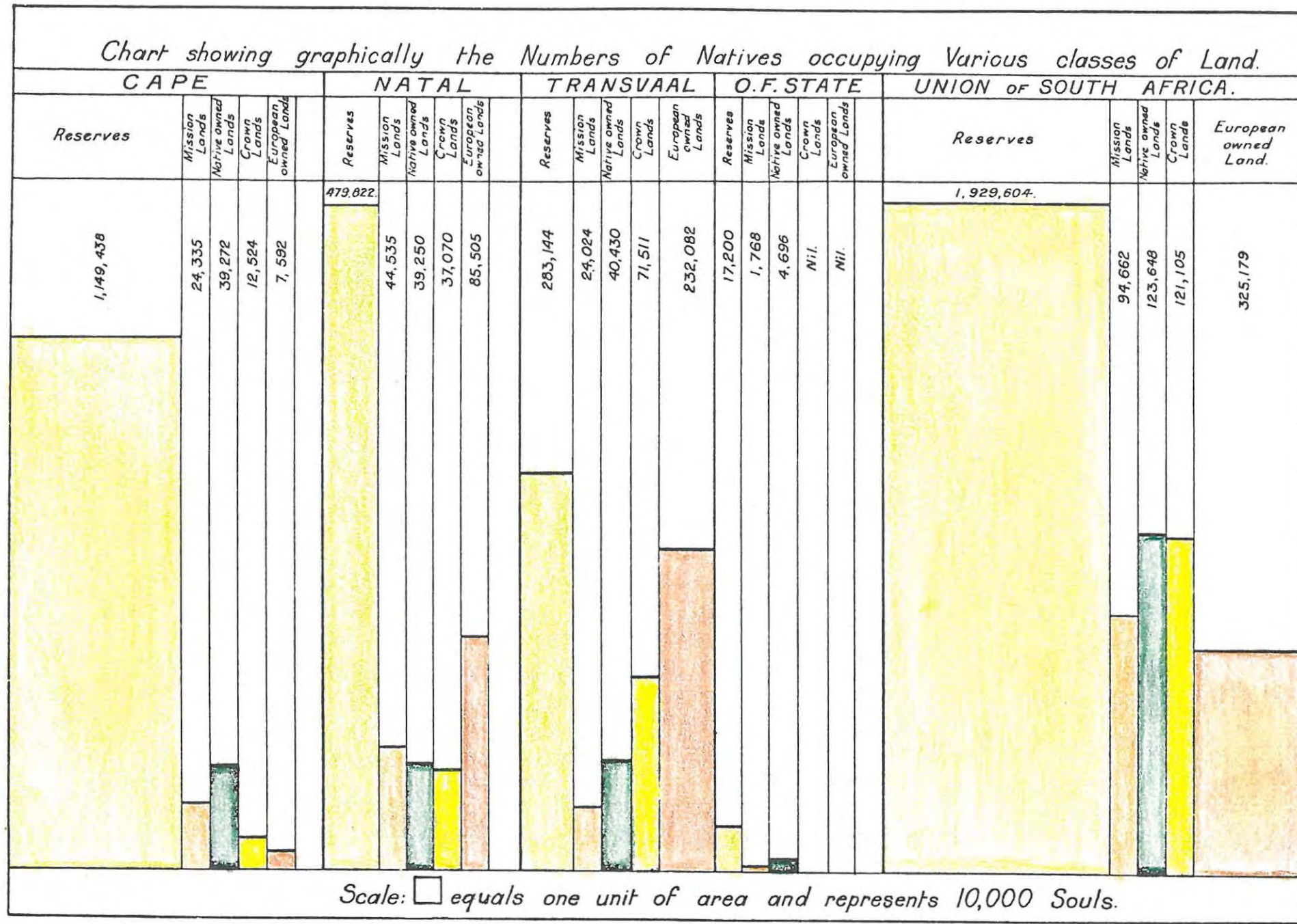
* It should be noted that the classification adopted by the Office of Census and Statistics, in the compilation of the agricultural and pastoral tables and population censuses, uses the term 'native areas' or 'native reserves' in its widest sense to cover (1) crown reserves or locations, (2) mission reserves or stations, (3) tribally owned farms, (4) African-owned farms, in the names of individuals or syndicates, and (5) crown lands occupied by Africans. This is the broad sense in which land 'actually' occupied by Africans is specified in the charts and tables incorporated in this study. But strictly speaking only those areas scheduled as reserves were classified as 'scheduled native areas' under the various Acts and regulations - as one finds, for example, in the 1927 Native Administration Act or the 1920 Native Affairs Act.

Chart showing graphically the Areas of various classes of Land occupied by Natives.



Scale: equals one unit of area and represents 50,000 Morgen.

Source: Report of the Natives' Land Commission (Beaumont), UG 19-16, appendix 5



Source: Report of the Natives' Land Commission (Beaumont), UG 19-16, appendix 6

ALLOCATION OF SCHEDULED AND RELEASED AREAS 1913 - 1927

Province	SCHEDULED			RELEASED		
	Scheduled areas Natives' Land Act 1913	Scheduled areas Natives' Land Act (1913) Amend. Bill 1927	Scheduled areas Natives' Land Act as amended 1933	Beaumont areas Native Administration Bill 1917	Committee areas Local land committees recommend 1918	Released areas Natives' Land Act (1913) Amend. Bill 1927
Cape	6 217 037	6 044 000	6 107 000	1 313 000	1 608 500	1 494 200
Natal	2 972 312	2 755 000	2 997 000	1 861 700	430 600	433 600
Transvaal	1 591 296	1 065 700	1 232 000	5 042 700	4 687 300	5 007 800
O F S	74 290	74 290	74 290	148 300	80 000	79 400
Total	10 422 935	9 958 990	10 410 290	8 365 700	6 806 400	7 014 400
	1	2	3	4	5	6

- 1 Natives' Land Act 27/1913 figures quoted by Beaumont, UG 19-16, appendix III
- 2 Figures for scheduled areas, Natives' Land Act (1913) Amendment Bill 1927 quoted in SC 10-27, p 15. See also n 2.48.
- 3 The schedule to the Natives' Land Act 1913 had been amended by Acts 28/1925, 34/1927 and 36/1931 which added 451 290 morgen to the scheduled areas. Quoted by the Joint Select Committee 1930-1934 in JSC 1-35, p 60.
- 4 Beaumont recommendations included in the Native Administration Bill 1917, UG 19-16, pp 44-45
- 5 See *Gazette*, 14 July 1923 and reports of 5 local land committees.
- 6 Schedule to Natives' Land Act (1913) Amendment Bill 1927; also SC 10-27, p 15

Areas quoted in morgen (1 morgen = 0.857 hectare)

NOTES ON AFRICAN DISTRIBUTION STATISTICS

- 1 These calculations were based on figures supplied by the NAD from their district returns for 1913 and 1926. They should not be confused with the various allocations recommended for 'release' or 'schedule' detailed by successive commissions and committees between 1916 and 1936.
- 2 In 1926 Africans occupied 3 302 440 million morgen more than they had in 1916.
- 3 A comparison of African occupation of the various classes of land reveals the following interesting changes:
 - a The areas called reserves have increased only in the Cape (from 7 115 561 to 11 743 779 morgen). This increase may be accounted for by the fact that land in the Cape could not legally be defined as a 'scheduled' area. Statistics submitted probably included all rural areas and private locations occupied by Africans. Reserve land stays the same in the OFS; and is 263 910 morgen less in Natal and 367 058 less in the Transvaal. The shortfall in the latter two provinces is explained by excisions of land originally scheduled.
 - b The reduction of mission land in each province is hard to account for. SC 10-27, appendix B, p viii gives full details of land purchased by Africans between 1916 and 1926. Apart from 4 450 morgen sold by the Berlin Missionary Society to Africans in the Transvaal, no transaction with a mission society is recorded. This still leaves 36 726 morgen of mission land unaccounted for in the Transvaal. One explanation may be that there was a transfer of land previously held by mission stations on behalf of Africans. (Further research is needed on this and the diminishing morgenage in each province.) In the OFS mission land of about 22 000 morgen was included in the quota for release.
 - c African-owned land: only in the Cape could transactions between Africans and whites legally take place; and despite the shortage of land, Africans were forced by impoverishment to sell there. As a result, 147 225 morgen were lost. (30 448 morgen purchased in the Cape during this period are calculated from details in SC 10-27, appendix B.) In the Transvaal 61 934 morgen are recorded as bought, and 2 595 morgen in Natal - these amounts were bought under the administrative dispensation. The total of 94 977 morgen in all three provinces is far less than the estimates usually given.
 - d Perhaps the most interesting change relates to white-owned land. This land is referred to in the text as 'squatting' or 'kaffir-farming' areas, that is, land owned but not occupied by whites. In 1926 Africans leased a reduced morgenage of 42 673 in the Cape, 721 883 in Natal, and 1 405 597 in the Transvaal. This does not necessarily mean Africans were removed from these areas. The opening up of new areas would in part account for the change. As for land sold by land companies, the tenants there were either left, or were evicted, or became labour tenants or full-time servants. Regardless of the status of the African residents, this land was excluded as a potential 'native area' once it was beneficially occupied by whites. The OFS figure shows that 'squatting' there, contrary to white assurances, had not been eradicated. See table 2.2 and appendix B.10 for land company ownership, and table 5.2 for the OFS statistics.

AFRICAN DISTRIBUTION contd

- e The overflow from the restricted reserves and evicted 'squatter' areas was accommodated on crown land, it seems, in all provinces except the OFS. Even where crown lands were not reserved for any special purpose they were also lost as potential for release, being used instead for poor white resettlement schemes or expanded farming operations. This happened even with crown land that had been recommended for release precisely because it already carried a large African population - even that was sold or leased to whites. In 1936 the Trust set up under Act 18/1936 acquired just over one million morgen. According to the 1926 estimates, Africans occupied over 2¼ million morgen in 1926.
- 4 To appreciate the increase in de facto occupation of all classes of land outside the reserves in all provinces (except the Cape) between 1916 and 1926, the foregoing charts must be compared with the population estimates given in the tables.

Some salient features are: density within the reserves;
increase of residents in white rural areas;
influx to urban areas.

b TABLE COMPARING VARIOUS CLASSES OF LAND EXCLUSIVELY OCCUPIED BY AFRICANS IN 1916 AND 1926

Year	Rural locations	African-owned land	Crown land	Mission land	White-owned land occupied by Africans	Total morgen
	A	B	C	D	E	F
1916	11 164 484	1 002 039	942 280	538 343	4 156 329	17 803 475
1926	15 161 734	986 078	2 557 747	299 387	2 100 969	21 105 915

c TABLE ILLUSTRATING PERCENTAGE INCREASE AND DECREASE OF VARIOUS CLASSES OF LAND OCCUPIED BY AFRICANS IN 1916 AND 1926

	A	B	C	D	E	F
Difference in morgen occupied in 1916 and 1926	+3 987 133	- 33 961	+1 615 467	- 238 956	- 2 055 360	+3 302 440
% increase (+) or decrease (-)	+ 26.3	- 3.4	+ 63.2	- 44.4	- 49.5	+ 15.6

Source: Tables based on figures quoted in Report of the Natives' Land Commission, UG 19-16, appendix 3, and NAD report 1922-1926, UG 14-27, p 22

d TABLE ILLUSTRATING VARIOUS CLASSES OF LAND EXCLUSIVELY OCCUPIED BY AFRICANS IN EACH PROVINCE OF THE UNION 1916

Class of land	Cape	Transvaal	Natal	OFS	Total
Rural locations	7 115 561	1 077 153	2 897 120	74 290	11 164 484
African-owned land	397 973	298 731	176 834	128 501	1 002 039
Crown lands	58 998	542 480	340 802	-	942 280
Mission lands	238 074	116 331	152 507	31 431	538 343
White-owned land occupied by Africans	98 427	3 045 763	1 012 139	-	4 156 329
Total	7 909 003	5 080 818	4 579 402	234 222	17 803 475

e TABLE ILLUSTRATING VARIOUS CLASSES OF LAND EXCLUSIVELY OCCUPIED BY AFRICANS IN EACH PROVINCE OF THE UNION 1926

Class of land	Cape	Transvaal	Natal	OFS	Total
Rural locations	11 743 779	710 455	3 633 210	74 290	15 161 734
African-owned land	250 748	510 176	131 612	93 542	986 078
Crown lands	152 185	1 598 429	807 133	-	2 557 747
Mission lands	64 514	79 605	146 168	9 100	299 387
White-owned land occupied by Africans	55 754	1 640 166	290 256	114 793	2 100 969
Total	12 226 980	4 538 831	4 008 379	291 725	21 105 915

Areas quoted in morgen (1 morgen = 0.857 hectare)

Source: Tables based on figures quoted in Report of the Natives' Land Commission, UG 19-16, appendix 3, and NAD report 1922-1926, UG 14-27, p 22

Population.

35. Native population censuses, as well as being subject to a wide margin of error, have been few and far between. Sufficient information is available, however, if one also takes into account the age composition of the Native population and such vital statistics as are available, to indicate that this population is increasing rapidly.

Despite rural-urban migration, Table I* shows the population in Native areas to have increased from 2.3 millions in 1916 to 3 millions in 1936—an average annual increase of 1.3 per cent. According to population census figures the *total* Native population increased by 2.3 per cent. per annum between 1921 and 1936.

36. The 1936 Census—the last complete Census—shows the population in the different types of Native areas, and these figures are reproduced in Table III. Unfortunately the 1911 and 1921 population censuses do not differentiate between Reserve and other Natives, with the result that it is impossible to give the population density of the Reserves over a period. In Table I, therefore, the approximate population figures quoted by the Beaumont Commission are used to compute the density per square

mile in 1916, and are compared with the 1936 Census figures (columns 7 and 8 of Table I).

The rate of increase in population far outstripped the rate at which land was added to the existing Native areas, with the result that average density of population per square mile increased from 50.3 in 1916 to 57.2 in 1936 (Table I). The Natal Reserves showed the greatest increase in density, whereas some of the Ciskeian districts actually showed a decrease. Comparisons of crude density figures are apt to be misleading, particularly in Africa, where all areas are not open to all races: thus the comparison of European and Non-European densities per square mile in rural areas in the Union has little significance. Nevertheless, it is interesting to compare the figure for individual Native areas with that of the Union's *total* 20.3 per square mile, Basutoland's 48, the United States of America's 41, Argentine's 11, Australia's 2 or India's 220.

37. The distribution of the Native population in the Native areas of each of the Provinces at the time of the 1936 Census (i.e. before the formation of the S.A. Native Trust) is shown in the following Table:—

* See appendix B.1 above.

AFRICAN DISTRIBUTION ON VARIOUS CLASSES OF LAND (1936)

	Crown Reserves or Rural Locations.	Mission Reserves or Stations.	Tribally-owned Farms.	Native-owned Farms.	Crown Lands.	Total.
Cape.....	1,393,000	14,000	4,000	28,000	9,000	1,448,000
Natal.....	893,000	74,000	10,000	81,000	46,000	904,000
Transvaal.....	320,000	25,000	120,000	32,000	95,000	592,000
Orange Free State...	15,000	1,000	—	4,000	—	20,000
UNION...	2,421,000	114,000	134,000	143,000	150,000	2,962,000

Source: Social and Economic Planning Council report 9, UG 32-46, p 9

LAND PURCHASED UNDER ADMINISTRATIVE DISPENSATION
IN 'COMMITTEE AREAS' 1919 - 1928

LAND PURCHASED FOR NATIVE SETTLEMENT PURPOSES TO 31/1/28.								
Name and No. of Farm.	District.	Province.	Area. Mor. Sq. Rds.	Purchase price.	Transfer and other costs.	Total.	Date of transfer.	Name of Seller.
Glen Adelaide	Glen Grey	Cape	2,298 121	1918-1919. £18,385 0 0	£97 2 2	£18,482 2 2	28/3/19	J. A. Spence.
De Hoop	"	"	571 108	4,356 0 0	56 1 8	4,412 1 8	21/3/19	J. P. Kruger.
Mount Prospect	"	"	1,374 406	6,100 0 0	65 10 3	6,165 10 3	10/4/19	C. Kruger.
			4,544 35	£28,841 0 0	£219 0 1	£29,060 0 1		
Leipzig	Pietersburg	Transvaal	2,650 482	1920-1921. £2,319 0 0	£17 4 0	£2,336 4 0	25/1/21	Berliner Missionsgesellschaft.
Altona 23	Piet Retief	Transvaal	3,223 300	1921-1922. £6,447 0 0	£29 10 6	£6,476 10 6	31/10/21	W. K. .. der Merwe.
Prudentia 22 and Gunsteling 21	"	"	5,096 10	9,126 5 0	116 13 5	9,243 3 5	2/11/21	M. J. Church.
Draaiwater 29	"	"	2,693 367	3,703 14 4	20 2 0	3,723 16 4	25/3/22	J. Measroch and R. Baranow.
Blackhill 1068, Uilney 1069, Galas- shiel 1067, Millbank 1066 & New Jerusalem 1065.	Pietersburg	"	13,527 157	15,398 8 1	151 8 0	15,549 16 1	12/8 21	P. G. Louw.
La Duwella 1161	Kingwilliamstown	Cape	2,550 —	633 12 0	102 8 10	736 0 10	10/7 21	F. v. Z. Slabbert.
Farms A & C, Middeldrift	"	"	1,945 152	8,000 0 0	35 14 0	8,035 14 0	23/11 22	Estate late John Thompson.
Farm B, Middeldrift	"	"	758 —	3,198 10 0	—	3,198 10 0	18/11 21	Estate late W. S. Kama.
			31,793 392	£46,507 9 5	£456 1 9	£46,963 11 2		
Schilpadfontein 79	Pretoria	Transvaal	800 —	1922-1923. £2,000 0 0	£14 0 6	£2,014 0 6	17/3 23	Berliner Missionsgesellschaft.
Klipwal 33	Piet Retief	"	4,331 261	6,100 0 0	201 4 6	6,301 4 6	21/8 22	D. Blumberg.
Buffelshoek 1072	Pietersburg	"	2,208 473	3,460 0 0	350 4 0	4,310 4 0	19/5 22	Hendersons Consolidated Cor- poration, Ltd.
Inveraan 1073	"	"	1,181 554	1,520 0 0	54 2 6	1,574 2 6	1/2/23	G. J. van Rooyen & J. H. Cloete.
Melkboonfontein 425	"	"	1,123 522	5,547 16 6	67 10 6	5,615 7 0	3/2/23	G. M. Vogel & J. H. Moschke.
Schoepersrust 65 & Mooiplaats A 181	Vryheid	Natal	2,595 197	8,239 15 0	39 9 0	8,279 4 0	4/1 23	J. W. Ebersohn.
			12,241 207	£26,867 11 6	£1,226 11 0	£28,094 2 6		
Bultfontein A. 472	Pretoria	Transvaal	2,079 440	1923-1924. £3,485 17 11	£24 6 6	£3,510 4 5	15 6/23	Makau's Tribe.
Spelboom 36	Piet Retief	"	3,510 568	2,033 4 2	18 7 0	2,651 11 2	26/9/23	P. J. Moolman, A. & W. F. Smuts
Fort Merriman	Stutterheim	Cape	837 551	5,750 0 0	182 3 3	5,932 3 3	2/8/23	W. A. Hart.
Ngusha Poort	Peddie	"	590 123	1,200 0 0	11 17 1	1,211 17 1	30/6/24	Mrs. M. M. Bosch.
Rimlets	"	"	760 269	1,750 0 0	56 18 6	1,806 18 6	30/6/24	J. Hayward.
Woodlands	"	"	1,302 200	3,900 0 0	144 18 0	4,044 18 6	30/6/24	H. W. Hayward.
			9,081 351	£18,719 2 1	£438 10 10	£19,157 12 11		
Middleton East of Kukuna 1	Lichtenburg	Transvaal	7,932 —	1924-1925. £4,975 0 0	£25 6 0	£5,000 6 0	31/3/25	National Bank of S.A., Ltd.
Sivonel	Herbert	Cape	3,937 304	1,750 0 0	19 14 0	1,769 14 0	1/5/24	Estate C. J. Rodes, E. W. Tarry & C. D. Rudd.
			11,869 304	£7,725 0 0	£45 0 0	£7,770 0 0		
Ayliffdale & Nottingham	Glen Grey	Cape	1,416 562	1925-1926. £7,000 0 0	£1 0 0	£7,001 0 0	22/3/26	W. M. S. Hollis.
Bitterwoods	"	"	835 320	4,250 0 0	—	4,250 0 0	22/3/26	J. Leslie.
Edendale	"	"	1,546 58	10,000 0 0	303 13 4	10,303 13 4	26/3/26	N. E. Torr.
Gedenk	"	"	850 —	5,100 0 0	—	5,100 0 0	22/3/26	J. H. Eameyer.
Glen Grey Reserve	"	"	849 153	6,000 0 0	1 0 0	6,001 0 0	22/3/26	J. du Plessis.
Hillside	"	"	271 523	1,350 0 0	—	1,350 0 0	22/3/26	B. Roodt.
McKaysnek & Ptn. Moogelogen	"	"	850 234	5,750 0 0	—	5,750 0 0	22/3/26	H. F. Prinsloo.
Middelkop	"	"	1,317 573	3,900 0 0	—	3,900 0 0	22/3/26	W. C. B. Price & F. A. Visser.
Rippling Streams	"	"	749 404	3,350 0 0	—	3,350 0 0	22/3/26	G. H. Corbett.
			8,693 431	46,700 0 0	£305 13 4	47,005 13 4		
Ardath	Kuruman	Cape	3,170 —	1926-1927. £1,250 0 0	£20 1 0	£1,270 1 0	31/3/27	Standard Bank, vryburg.
Mhebe	Glen Grey	"	543 —	2,100 0 0	14 12 0	2,114 12 0	20/4/26	G. A. Spann.
Flinkzyndrift Ptn. B. 119	Pretoria	Transvaal	533 324	530 15 6	—	530 15 6	31/3/27	Previously purchased under Sec. XI.
Kalkspruit 812 & A. Berzicht 814	Pietersburg	"	3,996 104	6,490 13 0	33 13 0	6,524 6 0	7/2/27	A. J. Roos.
			8,242 428	£10,371 8 6	£68 6 0	£10,439 14 6		
Mimosa Park	Glen Grey	Cape	411 48	1927-1928. £4,081 5 9	£24 6 1	£4,105 11 10	3/6/27	J. P. Landman.
Kopies	"	"	408 324	3,500 0 0	21 18 6	3,521 18 6	14/7/27	E. L. Saayman.
Glenferness, 1121	Pietersburg	Transvaal	4,040 305	5,300 0 0	27 19 0	5,327 19 0	23/12/27	Mrs. N. H. Langeman.
Malokong, 861	Potgietersrust	"	1,000 —	1,500 0 0	14 1 0	1,514 1 0	30/12/27	Berliner Missionsgesellschaft.
			5,860 77	£14,381 5 9	£83 4 7	£14,469 10 4		
<i>Summary.</i>								
	1918-1919		4,544 35	£28,841 0 0	219 0 1	£29,060 0 1		
	1920-1921		2,650 482	2,319 0 0	17 4 0	£2,336 4 0		
	1921-1922		31,793 392	46,507 9 5	456 1 9	46,963 11 2		
	1922-1923		12,241 207	26,867 11 6	1,226 11 0	28,094 2 6		
	1923-1924		9,081 351	18,719 2 1	438 10 10	19,157 12 11		
	1924-1925		11,869 304	7,725 0 0	45 0 0	7,770 0 0		
	1925-1926		8,693 431	46,700 0 0	305 13 4	47,005 13 4		
	1926-1927		8,242 428	10,371 8 6	68 6 0	10,439 14 6		
	1927-1928		5,860 77	14,381 5 9	88 4 7	14,469 10 4		
			94,977 257	£202,431 17 3	£2,864 11 7	£205,296 8 10		

B.6 ESTIMATE OF AREA OF ARABLE AND OTHER LAND IN SCHEDULED RESERVES

	Total Land in morgen.	Cultivated Arable (morgen).	Grazing Residential etc. (morgen). (b)
Northern Areas—			
Transvaal.....	3,710,100	803,200	2,906,800
Orange Free State...	116,500	20,300	96,200
Northern Cape.....	1,467,100	44,200	1,422,900
Total Northern Areas...	5,293,700	867,700	4,426,000
Natal.....	3,096,800	418,800	2,678,000
Transkeian Territories..	4,196,300	732,500	3,463,800
Ciskei.....	1,000,000	127,100	872,900
TOTAL: Union of S.A.	13,586,700	2,146,000	11,440,700

(a) "A Note on the Native in Rural Areas" by Dr. H. H. Curson.

(b) Includes useless land.

Source: Social and Economic Planning Council report 9, UG 32-46, p 52

B.7 COMPARISON OF POPULATION & LIVESTOCK IN WHITE & AFRICAN AREAS

Region.(a)	NATIVE AREAS.				1939, "Cattle Units" per square mile (d).	
	Population per square mile.		Cattle Units per square mile.(d)		Native Areas.	Adjoining European Farms(e).
	1926 (b) (est.)	1936.	1926.(c)	1939.		
Cape Province—						
North Western.....	13.7	14.9	32.8	31.3	29.0	27.3
Herschel.....	55.4	53.2	96.1	60.2	94.5	95.0
Glen Grey-Queenstown.....	52.1	62.0	113.9	108.6	120.9	87.0
Ciskei.....	95.4	95.4	139.3	158.3	168.0	112.0
Transkei.....						
" Highlands.....	71.5	79.5	159.4	168.6	168.0	—
" Midlands.....	58.3	65.4	132.3	122.5	131.5	114.3
" Coastal.....	72.5	79.8	176.2	177.1	177.8	—
Natal (excluding Zululand)—						
Highlands.....	82.5	91.8	159.2	196.0	188.9	—
Midlands.....	67.0	83.3	109.7	135.4	144.0	82.7
Coastal.....	93.0	117.7	159.3	170.7	188.9	89.0
Zululand.....	145.0	196.0	173.2	198.1	177.8	—
" North.....	36.2	41.6	79.6	92.7	104.2	—
" Inland.....	21.4	23.1	36.5	48.6	52.1	—
" Coastal.....	45.4	54.3	142.4	131.9	159.1	—
Transvaal—						
Central.....	66.3	72.0	107.0	139.0	144.0	—
Western.....	61.2	64.5	105.1	105.9	131.5	33.5
North and East.....	49.0	44.0	72.9	96.0	84.1	39.8
Orange Free State—	51.4	64.2	68.0	72.7	84.1	—
East.....	50.0	46.8	101.1	55.3	70.3	—
SUB-TOTAL.....	56.6	64.6	109.5	116.0	—	—
TOTAL.....	50.2	57.2	96.2	101.5	—	—

(a) For details of Regions see Table I.

(b) The 1926 Native population has been estimated on the basis of the average annual rate of increase in each area.

(c) As the exact area of the individual Native Reserves in 1926 is not known the 1936 area (prior to the passing of Act 18/1936), has been used.

(d) "Cattle Unit" means one head of large or five head of small stock. (Proclamation 31 of 1939, Section 1.) Estimates have been made where exact figures are not available.

(e) A fairly comparable sample of European farms has been selected by taking the European occupied portion of magisterial districts partially occupied by Reserve Natives. No comparable statistics are available for the Natal coastal strip where the Europeans concentrate on sugar production. Zululand has also been excluded because the Europeans generally own the better agricultural portions of the land. North-Western Transvaal had to be left out because of large portions of Crown Land unoccupied and unsurveyed in many instances, thus making the area figures unreliable. Native-owned stock on the farms has been included.

Source: Social and Economic Planning Council report 9, UG 32-46, p 23

B.8 AVERAGE ANNUAL PERCENTAGE INCREASE IN POPULATION.

	1904-1911	1911-1921	1921-1936	1936-1946
European.....	1.93	1.76	1.86	1.54
Native.....	2.03	1.57	2.29	1.61
Asiatic.....	3.12	0.86	1.90	2.55
Coloured.....	2.41	0.37	2.32	1.63
TOTAL.....	2.07	1.49	2.19	1.62

Source : Censuses of the Union of South Africa.

B.9 INCIDENCE OF MIGRANT LABOUR
IN THE UNION OF SOUTH AFRICA 1936

TABLE XXXIV.—Absentees from Union Native Reserves (Magisterial Districts), 1936.(a)

Region. (b)	Absentees, 1936.			Absentees as Percentage of Total Resident Population.	Male absentees as Percentage of Male Population aged 18-54 Years. (c)	Masculinity Rate (aged 21 Years and over). (d)
	Male.	Female.	Total.			
Cape Province—						
North Western.....	13,199	4,841	18,040	20.2	55.2	80.0
Herschel.....	5,585	1,028	6,613	18.2	58.1	62.6
Glen Grey/Queenstown.....	12,317	1,649	13,966	18.9	62.3	62.4
Ciskei.....	20,789	4,296	25,085	20.8	63.2	60.4
Transkei (Total).....	144,339	8,053	152,392	13.8	53.0	53.4
" Highlands.....	38,419	2,489	40,908	16.8	61.9	51.7
" Midlands.....	65,083	4,491	69,574	14.4	54.3	54.3
" Coastal.....	40,837	1,073	41,910	11.0	45.2	54.4
Natal (excluding Zululand)—						
Highlands.....	15,026	2,635	17,661	17.6	59.2	60.6
Midlands.....	43,663	3,912	47,575	15.4	57.2	54.6
Coastal.....	19,073	2,157	21,230	13.2	47.9	76.5
Zululand (Total).....	37,739	2,910	40,649	12.8	49.0	64.1
" North.....	9,417	424	9,841	12.2	49.0	57.7
" Inland.....	23,782	1,876	25,658	13.3	51.2	54.4
" Coastal.....	4,540	610	5,150	11.6	41.6	139.1 (e)
Transvaal—						
Central.....	22,258	9,860	32,118	27.9	69.0	103.0
Western.....	5,004	2,596	7,600	27.4	65.4	97.8
North and East.....	48,507	3,832	52,339	11.9	48.3	51.8
Orange Free State—						
East.....	2,931	971	3,902	21.0	58.8	81.3
Other Native Areas.....	6,246	1,973	8,219	22.6	51.6	—
TOTAL FOR UNION NATIVE AREAS...	396,676	50,713	447,389	15.1	53.9	63.2 (f)

(a) Vide U.G. 21/1938, Table 13.

(b) For details of Regions see Table I though in this instance one or two adjoining magisterial districts have been added.

(c) Male population aged 18-54 years calculated at 45 per cent. of the total male population. This figure was derived from Table III of the Supplement to Vol. IX, Sixth Census Report, 1936 (U.G. 50/1938) after deducting the number of Tropical Natives in Labour Districts.

(d) Calculated from U.G. 50/1938, Table 3. The masculinity rate is the number of males per 100 females.

(e) The high masculinity rate in this instance is due to the employment of Native males in the sugar industry.

(f) Excludes "Other Native Areas."

LAND COMPANY LAND OCCUPIED BY AFRICAN AND WHITE TENANTS

Statistics of certain Land Companies in the Union.

(Note.—The land holdings mentioned in this Table are all situated in the Transvaal, with the exception that the Vereeniging Estates have about 60 per cent. of their land holdings in the Orange Free State).

Name of Company.	Date of Return.	Total land holding of Company					Extent of Land Settlement Operations since Inception of Company.	Number of Farms.		Number of persons on Company's Land at date.	
		No. of farms.	Total area (acres).	Area under cultivation (acres).	Used for grazing (acres).	Unused (acres).		Occupied by Europeans	Leased to Natives	Europeans	Natives.
1. Anglo French Land Co.	30.6.25	27	110,906	Nil	3,322	107,584	16 farms, area 75,138 acres, sold since 1895.	1	Nil	2	83
2. Henderson's Transvaal Estates & Henderson's Consolidated Corpn. (b).	1925	32	182,343	Information not available.			In 1925 there were 128 tenants leasing 104,300 acres.	27 (or portions)	None leased, 1 fully occupied, rents received from four.	126 and dependants.	91 and dependants.
3. Lydenburg Gold Farms	31.12.24	12	37,894	Information not available.			Do not offer land for sale but prepared to consider offers.	6	—	6	Unknown.
4. Lydenburg Land and Exploration Co.	30.6.25	7	41,074	Nil	Grazing sites let to one European.	Nil	14 farms sold since 1895	Nil	Nil	1	135
5. Northern Transvaal Land Co.	30.6.25	37	112,496	Information not available.			Nil	1	9 (on cash payment basis).	1	210
6. Oceana Consolidated Co.	10.10.25	1	4,172	Do.			Total area sold since 1897 was 847,090 acres.	—	1 (native squatters paying £2 p.a.).	—	About 10.
7. Oceana Development Co.	30.6.25	12	43,575	Do.			No settlers, only tenant farmers.	11	1 (on cash payment basis).	4	25
8. S.A. Land & Exploration Co. (c).	31.12.24	16	77,508	4,716 (leased land).	21,914 (squatters land).	50,878	161 farms & holdings sold since 1908; 32 farms leased since 1903.	1	4	1	290
9. S.A. Townships, Mining & Finance Corpn. (d).	31.10.25	130	1,040,000	3,650 acres worked by company. No data as to tenants.	About 1/3 of holdings grazed by tenants: 150,000 acres by company.	Nil	No information available	60	9	No information.	
10. Transvaal Consolidated Land & Exploration Co. (e).	31.12.25	455	2,359,901	About 9,000	About 150,000	About 2,000,000	1,400,000 acres sold to December, 1924.	56	Nil	300	5,000
11. Transvaal and Delagoa Bay Investment Co.	10.10.25	27 full interest; 17 half interest.	150,500	25,089	3,759	80,083 (mostly coal bearing).	Company not concerned with establishment of settlers, but has sold 30,791 acres.	8	(f)	7	140
12. Transvaal Gold Mining Estates.	31.3.25	29	184,350	12,064	146,286	About 27,500	Nil	9	(g)	9	750 families (2,200 individuals).
13. Vereeniging Estates	30.11.25	24	129,375	33,038	88,726	2,076	56 leases were granted in 1925; no land sold.	20	—	601	2,289

Source: EWC report, UG 14-26, appendix B, p 365

APPENDIX C

- 1 Copy of return sent to the magistrates of all districts by the Select Committee on the Native Administration Bill, 1917
- 2 List of labour districts
- 3 Diagram showing effects of excessive subdivision of land
- 4 Wage distribution indicating incidence of poor whiteism
 - a Money incomes of white farmers
 - b Spread of wage incomes of all races, 1936
- 5 Summary of the laws conferring privileges on African registered voters

FILE No NL 3 - K114 (2)

C.1

RETURN OF NATIVE LABOURERS AND NATIVE OWNED STOCK.

DISTRICT ALBANY

AREA 1

Approximate number of Natives (souls) resident on				Stock owned by each class, viz.	
(1) European owned farms	(2) Crown lands leased to Europeans	(3) Crown lands, not being Scheduled Native areas		Cattle	Sheep & Goats.
Occupied by owner.	Occupied by owner.				
(a) as rent payers: 423				1167	3214
(b) on half share system					
(c) on half labour half rent: 76				114	169
(d) purely as labourers: 2600				200	1500
(In each case include family)					
TOTALS: 3099				1481	4873

Total rural Native population of District:

3099

Total urban Native population of District:

NIL

GRAND TOTALS:

3099

Approximate number of families likely to be turned off farms if provisions of Natives Land Act prohibiting sowing on shares or leasing of land etc. by Europeans to Natives were strictly enforced:

$\frac{1423}{54}$

SCHEDULED AREAS.

Name of Location or Reserve.	Approximate number of Natives (souls) living in each	Approximate extent in each such area of		Stock owned by Natives living in each area:	
		(a) Land suitable for cultivation:	(b) grazing land (being remaining extent:	Cattle	Sheep & Goats.
 					

416

423

43

1917

COPY OF RETURN SENT TO THE MAGISTRATES OF ALL DISTRICTS BY THE SELECT COMMITTEE ON THE NATIVE ADMINISTRATION BILL, 1917

LABOUR DISTRICTS 1931

TRANSVAAL	Randfontein	Krugersdorp
	Roodepoort	Johannesburg
	Germiston	Boksburg
	Benoni	Springs
	Witbank	Rayton
	Heidelberg	Vereeniging
	Lichtenburg	Kaalplaats
	Christiana	Breyton
	Ventersdorp	
OFS	Heilbron	
	Fauresmith	
	Voorspoed	
	Boshof	
NATAL	Dundee	
	Vryheid	
CAPE	Barkly West	
	Herbert	
	Hopetown	
	Prieska	

Source: NEC 1930-1932, typescript evidence

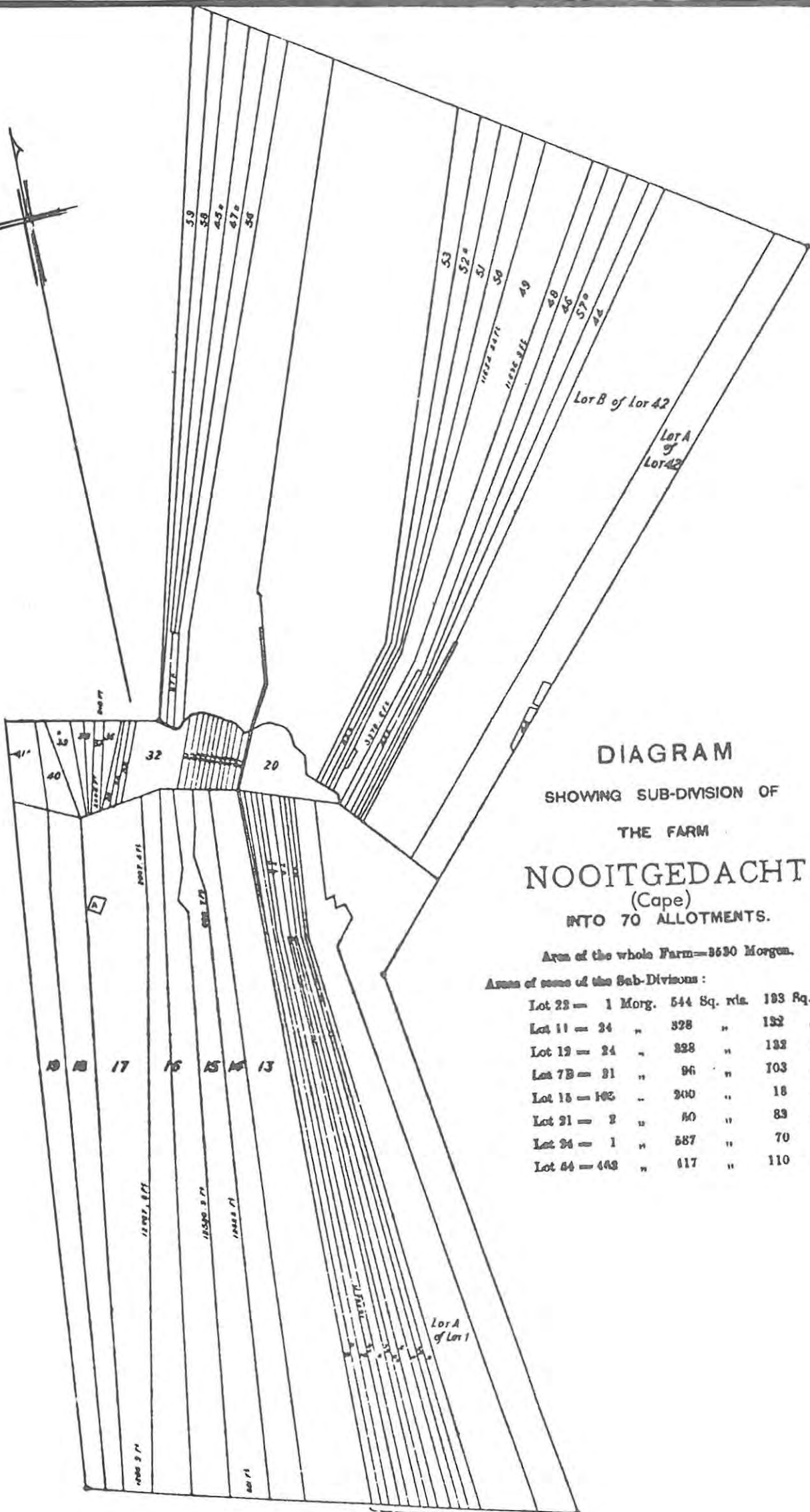


DIAGRAM
 SHOWING SUB-DIVISION OF
 THE FARM
NOOITGEDACHT
 (Cape)
 INTO 70 ALLOTMENTS.

Area of the whole Farm—8630 Morgen.

Area of some of the Sub-Divisions :

Lot 22	=	1	Morg.	544	Sq. rla.	193	Sq. ft.
Lot 11	=	24	"	328	"	132	"
Lot 19	=	24	"	328	"	132	"
Lot 7B	=	31	"	96	"	103	"
Lot 18	=	103	"	240	"	18	"
Lot 21	=	2	"	80	"	89	"
Lot 24	=	1	"	587	"	70	"
Lot 44	=	443	"	617	"	110	"

These lots are nearly 3 miles in length and about 50 yards wide

Scale = 1 Mile

WAGE DISTRIBUTION INDICATING INCIDENCE OF POOR WHITEISM

a MONEY INCOMES OF WHITE FARMERS (IN £)

	- 50	50-99	100-149	150-199	200 +
Owners	6 705	9 434	7 264	5 666	25 929
Tenants	6 161	6 316	3 651	2 102	4 954
Bywoners	8 744	5 184	1 669	668	781
Employees	1 684	2 214	1 071	459	794
Total	23 294	23 148	13 655	8 895	37 458

b SPREAD OF WAGE INCOMES OF ALL RACES, 1936

Wage group (£ per annum)	% of workers	African %	Coloured or Asiatic %	White %
9 - 36	55	90	10	-
36 - 60	23	66	26	8
60 - 120	10	28	42	30
120 - 240	8	4	25	71
240 - 500	4	-	2	98

Source for both charts: Report 4, The future of farming in South Africa,
UG 10-45, p 7

ANNEXURE 'K'.

NATIVE REGISTERED VOTERS.

SUMMARY OF THE LAWS CONFERRING PRIVILEGES
ON NATIVE REGISTERED VOTERS.

<u>No. of Statute.</u>	<u>Nature of Privilege.</u>	<u>Whether still in force or not.</u>
Act No. 39 of 1887 (Cape) (The Native Registered Voters Relief Act).	By this Act registered Voters were brought under the same laws as Europeans and were exempted from the provisions of laws differentially affecting Natives, as follows :	Repealed by Act No. 38 of 1927 (section 36) in so far as it is in conflict with the provisions of this Act.
	Act 17 of 1864 : Certificates of Citizenship. Act 18 of 1864 : Native Succession. British Kaffraria Ordinance 10 of 1864 : Native Successions Ordinance. Act No. 22 of 1807 : Passes. Act No. 28 of 1883 : Liquor. Act No. 37 of 1884 : Natives Locations - rural.	
	(The above mentioned Acts are dealt with more fully below in order of reference).	
Act No. 17 of 1864 - Certificates of Citizenship Amendment Act.	This Act provided for the issue of Certificates of Citizenship to Colonial Fingoes and certain other loyal subjects. Native Registered Voters were accordingly exempted from the necessity of obtaining such certificates.	Repealed by Act No. 38 of 1927 (section 36).

<u>No. of Statute.</u>	<u>Nature of Privilege.</u>	<u>Whether still in force or not.</u>
Act No. 18 of 1864 - (The Native Successions Act).	Under this Act, provision was made for property left by a deceased person, holding a Certificate of Citizenship, and of all Natives resident in any proclaimed Native location, to be administered and distributed according to the customs and usages of the tribe to which they belonged. Registered Voters were exempted from this Act and their property could accordingly be administered according to the laws of the Colony.	Repealed by Act No. 38 of 1927 (section 36).
British Kaffraria Ordinance No. 10 of 1861 - (The Native Successions Ordinance).	This Act provides for the administration and distribution according to Native law of the property of Kafirs, Fingoes and Tsimbookies belonging to and dying within British Kaffraria. Registered Voters were exempted and their property could accordingly be administered under the laws of the Colony.	Repealed by Act No. 38 of 1927 (section 36).
Act No. 22 of 1867 - Passes.	Native registered voters are exempted from the provisions of this Act which prohibits the entry of "foreign" Natives (i.e. persons not being Fingoes) into the Colony without a pass.	Still in force (in Cape).

<u>No. of Statute</u>	<u>Nature of Privilege.</u>	<u>Whether still in force or not.</u>
Act No. 28 of 1933 - (Liquor).	Under this Act (section 22) Natives were prohibited from acquiring liquor, but by virtue of Act No. 39 of 1937 Native Registered Voters were exempt from such prohibition.	Repealed by Act No. 30 of 1938, section 100(1) of which provides that no person shall by reason only that he is a registered voter be exempted from the operation of any law prohibiting the supply of liquor to him.
	<u>Note:</u>	(1) Regulations (Government Notice 1609/1928) have been published under the above Act, under which the Magistrate may grant a letter of exemption to any Native, Coloured or Asiatic who in the Magistrate's opinion has reached a stage of development and his manner of living is such as to entitle him to be regarded as having attained a standard of life equivalent to that of European civilisation. (2) In the Transkeian Territories there is total prohibition against the supply of liquor to Natives except under permit by the Magistrate (Proclamation 53/1933).

<u>No. of Statute</u>	<u>Nature of Privilege.</u>	<u>Whether still in force or not.</u>
Act No. 37 of 1884 - (Native Locations Act)	<p>This Act provided for the better and more effectual supervision and management of Native locations and for the more easy collection of Hut tax.</p> <p>While Native Registered Voters were exempted from the provisions thereof, the general statement as regards exemption was qualified by the provisions of sections 3 and 4 of Act No. 39 of 1887 under which voters were not exempted from the payment of Hut Tax and were subject in all respects to the provisions of the Act (No. 37 of 1884) if they resided in a Native location as defined in the <u>second or seventh</u> sections thereof.</p>	Repealed by Act No. 38 of 1927 (section 36) i.e. so much as was not repealed.
Acts 40 of 1902 and 8 of 1905 - (Natives Reserves Locations Act).	<p>Native Registered Voters were exempt from the provisions of these Acts, which provided for the establishment of Native Reserve Locations in or near Urban Areas.</p> <p>These Acts were repealed by Act 21 of 1923, but since Native Voters are exempt from the provisions of the under mentioned sections of that Act they still retain certain of the privileges indicated below.</p>	Repealed by Act 21 of 1923 (section 27(1)).
Act No. 21 of 1923 as amended by Act 25 of 1930 - (Natives (Urban Areas) Act) section 5(2).. (c).	Cape Native Registered Parliamentary Voters are exempt from the segregation Proclamation under sub-section (1), that is to say, they (amongst others) are exempt from the necessity of residing in a location, Native village or Native hostel in an urban area.	Still in force.

<u>No. of Statute.</u>	<u>Nature of Privilege.</u>	<u>Whether still in force or not.</u>
Act No. 25 of 1930 - section 19 (Curfew).	Native Voters or any females dependent upon them are, by virtue of section 19(4)(b) of Act No. 25 of 1930, exempted from the Curfew restrictions.	Still in force.
Section 167 of Act 21 of 1917 (Juries).	One of the qualifications of a juror is that he must be a registered Parliamentary Voter. There is no differentiation as regards colour and while Natives are not in practice empanelled if they are Voters and possess the other necessary qualifications, they are eligible as jurors and do in fact sit as such (e.g. at the Cala Circuit Court).	Still in force.
Ordinance 2 of 1853 and Act 13 of 1878 (Arms and Ammunition).	The law governing firearms in the Cape is contained in Ordinance No. 2 of 1853 and the Peace Preservation Act, 13 of 1878. This Act applies only to districts to which its provisions have been extended by proclamation. It was so extended to numerous districts in the Cape Province but the relative Proclamations were subsequently repealed and the Act is a dead letter. As far as Natives are concerned an administrative system of control is in force, the controlling authority for the issue of a permit being the Department of Defence.	Administrative Control.

<u>No. of Statute.</u>	<u>Nature of Privilege.</u>	<u>Whether still in force or not.</u>
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On the printed Form N.A. 55 which is used for applications by Natives for arms and ammunition permits, the following questions occur as representing qualifications of the applicants :

- (1) To what tribe does applicant belong.
- (2) His character and antecedents.
- (3) Whether he is a registered owner or lessee.
- (4) Whether he is a hut tax (local tax) payer.
- (5) Whether he is a registered Voter.
- (6) Whether he is recommended as a fit and proper person to carry arms.

While all these qualifications are not essential the fact that an applicant possesses them is a recommendation and if a Native is a registered voter such fact is evidence of a superior status.

There is also the fact that, by virtue of section eight(2) of the Natives Land Act, No. 27 of 1913, the restrictions imposed in regard to the acquisition of land, do not apply in the Cape Province.

This section is to be repealed by section forty-seven of the Native Trust and Land Bill, the effect being to put into operation in the Cape Province the restrictive provisions of the 1913 Act outside the released or scheduled areas.

UNION LEGISLATION SPECIALLY OR DIFFERENTIALLY
AFFECTING AFRICANS 1924 - 1934

Act 11 of 1924	Industrial Conciliation Act
28 / 1924	Moroka Ward Land Relief Act
Act 27 of 1925	Wage Act
28 / 1925	Native Lands (Natal and Transvaal) Release Act
41 / 1925	Native Taxation and Development Act
Act 25 of 1926	Mines and Works Act 1911 Amendment Act (Colour Bar Act)
26 / 1926	Masters and Servants Law (Transvaal and Natal) Amendment Act
27 / 1926	Native Affairs Act 1920 Amendment Act
28 / 1926	Native Taxation and Development Act Amendment Act
Act 15 of 1927	Native Affairs Act 1920 (Further Amendment) Act
34 / 1927	Native Lands Further Release and Acquisition Act
38 / 1927	Native Administration Act
Act 22 of 1928	Old Age Pensions Act
30 / 1928	Liquor Act
Act 9 of 1929	Native Administration Act 1927 Amendment Act
Act 18 of 1930	Women's Enfranchisement Act
19 / 1930	Riotous Assemblies (Amendment) Act
22 / 1930	Apprenticeship Act 1922 and 1924 Amendment Act
23 / 1930	Wage Act 1925 Amendment Act
24 / 1930	Industrial Conciliation Act 1924 Amendment Act
25 / 1930	Natives' (Urban Areas) Act 1923 Amendment Act
Act 31 of 1931	Electoral Laws Amendment Act
41 / 1931	Franchise Laws Act 1918 Amendment Act
Act 24 of 1932	Native Service Contract Act

BIBLIOGRAPHY

A MANUSCRIPTS

University of the Witwatersrand, Johannesburg

Dr Margaret Ballinger

South African Institute of Race Relations archives -

J D Rheinallt-Jones

Joint Councils

University of Cape Town

Dr Margaret Ballinger

W G Ballinger

Jan Hofmeyr Library, SAIRR, Johannesburg

Institute of Race Relations archives

B UNPUBLISHED OFFICIAL SOURCES

Transvaal, Memorandum explaining reasons for variations between present Ordinance and the draft Native Tax Amending Bill furnished to the Transvaal Landowners' Association 1908 (Tax memorandum)

Transvaal, Memorandum to the Transvaal Landowners' Association on the drafts of Occupation of Land by Natives Bill 1908 and Native Tax Bill 1908, together with official memoranda relating to these measures, London, 1908

Transvaal, Memorandum on Occupation of Land by Natives Bill 1908 furnished to the Transvaal Landowners' Association by the government when forwarding the draft of the Bill 1908

Transvaal, Copy of notes on the Squatters Act or Occupation of Lands by Natives Bill 1908

Union of South Africa, Report of the Commission to Enquire into the Native Riots at Port Elizabeth, October 1920, PM 417/277/20

Union of South Africa, Native Economic Commission 1930-1932 : complete set of typescript and oral evidence, housed in the library of the University of South Africa, Pretoria

C PUBLISHED OFFICIAL SOURCES

1 PRE-UNION PUBLICATIONS

Cape of Good Hope, House of Assembly Debates, Third Session, Ninth Parliament, 1896

Cape of Good Hope, Blue Book of the Colony, 1892

Cape of Good Hope, Blue Book of the Colony, 1894

Cape of Good Hope, Blue Book on Native Affairs, G 26-10

Cape of Good Hope, Report of the Select Committee on Labour Settlements for Indigent Whites 1906, C 3-06

Transvaal, Report of the Transvaal Labour Commission, Johannesburg, 1903

Transvaal, Report on the Acquisition and Tenure of Land by Natives in the Transvaal, 24 July 1904 (Lagden report)

Transvaal, Report of the Transvaal Indigency Commission 1906-1908, TG 13-08

Transvaal, Native Affairs Department annual report for the year ended 30 June 1909, TG 16-10

Orange River Colony, Report of the Commission Appointed by the Government of the Orange River Colony to Enquire into the Position and Circumstances of Poor Whites in the Orange River Colony 1908

Inter-state, Report of the South African Native Affairs Commission 1903-1905

2 GOVERNMENT GAZETTES

Union Government Gazette 672, 1924

1546, 1924

Union Government Gazette Extraordinary 120, 1910

361, 1913

779, 1917

1570, 1926

657, 1927

3 YEAR BOOKS

<u>Official Year Book of the Union of South Africa</u>	8 of 1910-1925
	8 / 1922
	13 / 1930-1931
	14 / 1931-1932
	16 / 1933-1934
	22 / 1941
	23 / 1946

4 HOUSE OF ASSEMBLY AND SENATE DEBATES

<u>House of Assembly Debates</u>	v 1	25 January - 10 April 1924
	2	25 July - 6 September 1924
	6	22 January - 29 March 1926
	7	30 March - 8 June 1926
	12	25 January - 27 March 1929
	13	19 July - 6 August 1929
	14	12 January - 4 April 1930
	16	30 January - 31 March 1931
	17	30 January - 6 June 1931
	19	5 April - 27 May 1931 - 1932
	20	20 January - 2 March 1933
	21	6 May - 22 June 1933
	26	24 January - 1 May 1936
	27	24 January - 17 June 1936

5 JOINT SITTINGS OF BOTH HOUSES

Joint Sitting of both Houses of Parliament, Natives' Parliamentary Representation Bill, Coloured Persons' Rights Bill

12 - 25 February 1929

20 February - 26 May 1930

Joint Sitting of both Houses of Parliament, Representation of Natives Bills (JS 1-36) and (JS 2-36)

13 February - 7 April 1936

6 SELECT COMMITTEE REPORTS

Report of the Select Committee on

- Native Affairs, SC 3-10
- The Native Administration Bill, SC 6a-17
- Union Native Council Bill, Coloured Persons' Rights Bill, Representation of Natives in Parliament Bill, and Natives' Land (Amendment) Bill, SC 10-27
- The Native Administration Bill, SC 11-27
- Native Affairs, SC 18-27 (First report)
- Native Affairs, SC 18a-27 (Third report)
- Union Native Council Bill, Coloured Persons' Rights Bill, Representation of Natives in Parliament Bill, and Natives' Land (Amendment) Bill, SC 19-27
- The Native Service Contract Bill, SC 7-31
- The Native Land Adjustment Bill, SC 11a-31
- The Gold Standard, SC 9-32

Report and proceedings of the Joint Select Committee on

- The Representation of Natives and Coloured Persons in Parliament and Provincial Councils Bill, and Acquisition of Land by Natives Bill, JSC 1-35
- Native and Coloured Persons 1930-1934, Supplement to JSC 1-35
- The Native Laws Amendment Bill, JSC 1-37

7 GOVERNMENT AND DEPARTMENTAL REPORTS

Union of South Africa, <u>Census of the Union</u>	1911	UG 32-12
	1921	UG 37-24
	1926	UG 4-31 (whites only)
	1936	UG 50-36 (enumeration, all races)
		UG 21-38 (sex & geography)
		UG 33-39 (dwelling & distribution, all races)
Union of South Africa, <u>Report of the Native Affairs Commission</u>	1925-1926	UG 17-27
	1927-1931	UG 26-32
	1932-1933	UG 3-34
	1936	UG 48-37
	1937-1938	UG 54-39
	1939-1940	UG 42-41

Union of South Africa, <u>Report of the Native Affairs Department</u>	1910	UG 17-11
	1911	UG 10-13
	1913	UG 33-13
	1919-1921	UG 34-22
	1922-1926	UG 14-27
	1935-1936	UG 41-37

Union Government Blue Books, Annexures and Departmental Reports

LAND

- Report of the Natives' Land Commission, v 1, UG 19-16
- Report of the Natives' Land Commission, v 2, UG 22-16
- Natives' Land Commission minute addressed to the Honourable the Minister of Native Affairs by the Honourable Sir W H Beaumont, Chairman of the Natives' Land Commission, UG 25-16
- Report of the Local Natives' Land Committee, Cape Province, UG 8-18
- Report of the Orange Free State Natives' Land Committee, UG 22-18
- Report of the Natives' Land Committee, Western Transvaal, UG 23-18
- Majority report of the Eastern Transvaal Natives' Land Committee, UG 31-18
- Report of the Local Natives' Land Committee, Natal Province, UG 34-18
- Statement of policy under Native Trust and Land Act 1936, Parliamentary White Paper, 23 February 1937, An 401-37

MINING

- Report of the Low Grade Mines Commission (Interim), UG 45-19
- Report of the Low Grade Mines Commission 1919-1920 (Final), UG 34-20
- Report by Sir Robert Kotze, the Government Mining Engineer, on the Far East Rand 1925, UG 49-25
- Report on the Far East Rand and features likely to affect the future of the Witwatersrand gold mining industry, 1927
- Report of the Low Grade Ore Commission (Interim), UG 16-32
- Report of the Witwatersrand Mine Natives' Wages Commission 1943, UG 22-44

FARMING

- Agricultural Journal of the Union of South Africa, v 4, 1, 1913
- Report of the Drought Investigation Commission 1923 (Final), UG 49-23
- Report of the Land and Agricultural Bank of South Africa 1926 (Annual), UG 12
- Report of the Agricultural and Pastoral Production, Agricultural Census 8 1924-1925, UG 13-27

SOCIO-ECONOMIC CONDITIONS

- Report of the Inter-departmental Committee on the Native Pass Laws 1920, UG 41-22
- Report of the Economic and Wage Commission 1925, UG 14-26
- Report of the work of the Wage Board, three years ending 28 February 1928
- Report of the Native Economic Commission 1930-1932, UG 22-32
- Report of the Commission of Enquiry into the Cost of Living, UG 36-32
- Report of the Carnegie Commission on the Investigation of the Poor Whites in South Africa, parts 1, 2, 3, 4, 5
- Report of the Department of Labour, UG 37-33
- Report of the Industrial Legislation Commission, UG 37-35
- Social and Economic Planning Council report 4, The future of farming in South Africa 1944, UG 10-45
- Social and Economic Planning Council report 8, The financing of location development from the Kaffir Beer Account, UG 22-45
- Social and Economic Planning Council report 9, The native reserves and their place in the economy of the Union of South Africa, UG 32-46
- Social and Economic Planning Council report 11, Economic aspects of the gold mining industry, UG 32-48
- Social and Economic Planning Council report 13, The economic and social conditions of the racial groups in South Africa, UG 53-48
- Report of the Commission for Socio-economic Development of the Bantu areas within the Union of South Africa, UG 61-55

EDUCATION

- Report of the Inter-departmental Committee on the Labour Resources of the Union, An 89-31
- Report of the Unemployment Investigation Committee, UG 30-32
- Malherbe, E G, 'Education of the African native', Union of South Africa Yearbook of Education 1933
- Report of the Inter-departmental Committee on Native Education, UG 29-36

AFRICAN AFFAIRS, MISCELLANEOUS

- Report of the Police Commission of Enquiry 1937, UG 50-37
- Report of the Commission of Enquiry Regarding the Cape Coloured Population of the Union, UG 54-37
- Verbatim report of the proceedings of the Native Representative Council (Annual), 8th session, 22 November 1944

Union of South Africa, Senate Papers

- Report of the Commissioner on native industrial unrest at Johannesburg, June-July 1918, S 1-19
- Return showing number of schools for natives in each province, S 1-20

D NEWSPAPERS

Alice Times

Die Burger

Cape Times

Daily Dispatch

The Friend

Imvo Zabantsundu

Natal Farmer

Natal Witness

Race Relations News

Rand Daily Mail

South African Outlook

The Star

Umteteli WaBantu

Ons Vaderland

Die Weste

E ALL OTHER WORKS INCLUDING BOOKS, PAMPHLETS, JOURNAL ARTICLES, AND UNPUBLISHED THESES AND DISSERTATIONS

Adam, H, 'Ideologies of dedication vs blueprints of experience', Social Dynamics, v 2, 2, 1976

Adam, H, 'Modernising racial domination', South Africa's Political Dynamics, Berkeley, University of California Press, 1971

Adam, H (ed), South Africa: Sociological perspectives, London, Oxford University Press, 1971

Arrighi, G, 'Labour supplies in historical perspective: A study of the proletarianization of the African peasantry in Rhodesia' in G Arrighi and J S Saul, Essays on the political economy of Africa, New York, Monthly Review, 1973

Arrighi, G and Saul, J S, Essays on the political economy of Africa, New York, Monthly Review, 1973

Baker, D, 'Race, power and white siege cultures', Social Dynamics, v 1, 2, 1975

Ballinger, M, All Union politics are native affairs, Johannesburg, Society of the Friends of Africa, South African Affairs pamphlet 4, 1944

- Ballinger, M, From Union to apartheid: A trek to isolation, Cape Town, Juta, 1969
- Ballinger, M, 'The historical background to the migratory labour system in South Africa', Black Sash, v 8, June/July 1964
- Ballinger, W G, Race and economics in South Africa, London, Hogarth Press, 1934
- Barlow, A G, Almost in confidence, Cape Town, Juta, 1952
- Beinart, W, 'Economic change in Pondoland in the nineteenth century', University of London, Institute of Commonwealth Studies, Collected seminar papers 21, The societies of Southern Africa in the 19th and 20th centuries, v 7, 1975/1976
- Bell, R T, 'Migrant labour theory and policy', South African Journal of Economics, March 1972
- Bennie, W G, 'The education of the native', South African Journal of Science, v 21, 1924
- Benson, M, The African patriots: The story of the African National Congress of South Africa, London, Faber, 1963
- Benson, M, South Africa: The struggle for a birthright, Harmondsworth, Penguin, 1966
- Blackwell, L, African occasions: Reminiscences of thirty years of Bar, Bench and politics in South Africa, London, Hutchinson, 1938
- Bonner, P, 'The decline and fall of the ICU - a case of self-destruction?' in E Webster (ed), Essays in Southern African labour history, Johannesburg, Ravan Press, 1978
- Bouch, R J, 'South African Party in opposition 1924-1929', unpublished BA (Hons) essay, University of the Witwatersrand, 1972
- Boydell, T, My luck was in: With spotlights on General Smuts, Cape Town, Stewart, 1947
- Brent, J K, 'Address to the SAIRR, January 1946', Race Relations Quarterly, v 13, 2, 1946
- Brett, E A, Colonialism and underdevelopment in East Africa: The politics of change 1919-1939, London, Heinemann, 1973
- Brittain, V, Testament of friendship: The story of Winifred Holtby, London, Macmillan, 1940
- Bromberger, N, 'Economic growth and political change in South Africa' in A Leftwich (ed), South Africa: Economic growth and political change, London, Allison and Busby, 1974
- Brookes, E H, The colour problems of South Africa, Lovedale, Lovedale Press, 1934
- Brookes, E H, The history of native policy in South Africa from 1830 to the present day, Cape Town, Nasionale Pers, 1924. Revised edition, White rule in South Africa 1830-1910: Varieties in governmental policies affecting Africans, Pietermaritzburg, Natal University Press, 1974

- Brookes, E H, Native education in South Africa, Pretoria, Van Schaik, 1930
- Brookes, E H, The political future of South Africa, Pretoria, Van Schaik, 1927
- Brookes, E H, A South African pilgrimage, Johannesburg, Ravan Press, 1977
- Brookes, E H and Macaulay, J B, Civil liberty in South Africa, Cape Town, Oxford University Press, 1958
- Brookes, E H et al, Coming of age: Studies in South African citizenship and politics, Cape Town, Maskew Miller, 1930
- Brotz, H, The politics of South Africa: Democracy and racial diversity, Oxford, Oxford University Press, 1977
- Bundy, C, 'The abolition of the Masters and Servants Act', South African Labour Bulletin, v 2, 1, 1975
- Bundy, C, 'Emergence and decline of a South African peasantry', African Affairs, v 71, 285, 1972
- Bundy, C, 'Passing through a period of stress', unpublished seminar paper, Oxford University, 1974
- Bundy, C, 'The response of African peasants in the Cape to economic changes 1870-1910: A study in growth and decay', University of London, Institute of Commonwealth Studies, Collected seminar papers 16, The societies of Southern Africa in the 19th and 20th centuries, v 3, 1971/1972
- Burton, H, The native franchise question, Cape Town, Non-racial Franchise Association, 1930
- Cartwright, P, Golden age: The story of the industrialisation of South Africa and the part played in it by the Comer House Group of Companies 1910-1967, Cape Town, Purnell, 1968
- Cloete, B, Die lewe van Senator F S Malan, Johannesburg, Afrikaanse Pers Boekhandel, 1946
- Cock, J, 'Domestic workers in South Africa: A study in exploitation', unpublished BA (Hons) essay, Rhodes University, 1977
- Creswell, M, An epoch in the political history of South Africa: In the life of Fred-eric Hugh Page Creswell, Cape Town, Balkema, 1956
- Danziger, K, 'Modernisation and the legitimation of social power' in H Adam (ed), South Africa: Sociological perspectives, London, Oxford University Press, 1971
- Davenport, T R H, 'African townsmen? South African Natives'(Urban Areas) legisla-tion through the years', African Affairs, v 68, 271, 1969
- Davenport, T R H, 'The Afrikaner Bond: The history of a South African political party 1880-1900', unpublished PhD thesis, University of Cape Town, 1960
- Davenport, T R H, The Afrikaner Bond: The history of a South African political party 1880-1911, Cape Town, Oxford University Press, 1966

- Davenport, T R H, 'The beginnings of urban segregation in South Africa: The Natives' (Urban Areas) Act of 1923 and its background', Rhodes University, Institute for Social and Economic Research occasional paper 15, 1971
- Davenport, T R H, 'The consolidation of a new society: The Cape Colony' in M Wilson and L M Thompson (eds), The Oxford history of South Africa, v 1, Oxford, Clarendon Press, 1969
- Davenport, T R H, South Africa: A modern history, London, Macmillan, 1977
- Davenport, T R H, 'The South African rebellion 1914', English Historical Review, v 77, 306, 1963
- Davenport, T R H, 'The triumph of Colonel Stallard: The transformation of the Natives' (Urban Areas) Act between 1923 and 1937', South African Historical Journal, 2, 1970
- Davenport, T R H and Hunt, K S, The right to the land: Documents on South African history, Cape Town, David Philip, 1974
- De Kiewiet, C W, A history of South Africa: Social and economic, London, Oxford University Press, 1942
- De Klerk, W A, Puritans in Africa: A story of Afrikanerdom, London, Rex Collings, 1975
- Denoon, D, 'Capitalist influence and the Transvaal government during the crown colony period 1900-1906', unpublished article loaned by T R H Davenport. Later published in Historical Journal, v 11, 2, 1968
- Denoon, D, Southern Africa since 1800, London, Longmans, 1972
- Denoon, D, 'The Transvaal labour crisis 1901-1906', Journal of African History, v 7, 3, 1967
- Dickson, P, 'The Natives' Land Act 1913: Its antecedents, passage and reception', unpublished MA dissertation, University of Cape Town, 1969
- Doxey, G V, The industrial colour bar in South Africa, Cape Town, Oxford University Press, 1961
- Druker, J, 'Native policy and the Native Trust and Land Act', unpublished BA (Hons) essay, University of the Witwatersrand, 1975
- Dube, J L, 'Industrial organisation of the native people', Report of the National European-Bantu Conference, Cape Town, February 1929, Lovedale, Lovedale Press, 1929
- Du Plessis, J C, Economic fluctuations in South Africa 1910-1949, Stellenbosch University, Bureau for Economic Research, 1950
- Evans, M S, Black and white in South East Africa: A study in sociology, London, Longmans, 1911
- Eybers, G W, Select constitutional documents illustrating South African history 1795-1910, London, Routledge, 1918

- Feit, E, 'Conflict and cohesion in South Africa: A theoretical analysis of "separate development" and its implications', Economic Development and Cultural Change, July 1966
- Frankel, S H, Capital investment in South Africa: Its course and effects, London, Oxford University Press, 1938
- Frankel, S H, Investment and the return to equity capital in the South African gold mining industry 1887-1965: An international comparison, Oxford, Blackwell, 1967
- Frankel, S H, 'South African monetary policy', South African Journal of Economics, v 1, 1, 1933
- Frankel, S H and Brookes, E H, 'Problems of economic inequality: The poor white and the native' in E H Brookes et al, Coming of age: Studies in South African citizenship and politics, Cape Town, Maskew Miller, 1930
- Garson, N G, 'The Boer rebellion 1914', History Today, v 12, 2, 1962
- Garson, N G, 'Party politics and the plural society 1910-1929', University of London, Institute of Commonwealth Studies, Collected seminar papers 10, The societies of Southern Africa in the 19th and 20th centuries, v 1, 1969/1970
- Garson, N G, '"Het Volk": The Botha-Smuts party in the Transvaal 1904-1911', Historical Journal, v 9, 1, 1966
- Gathorne, E R, The application of native law in the Transvaal, Johannesburg, privately published, 1924
- Gordimer, N, 'The Witwatersrand: A time and tailings', Optima, March 1968
- Gregory, T, Ernest Oppenheimer and the economic development of Southern Africa, Cape Town, Oxford University Press, 1962
- Griffiths, S A, 'The development of native policy in the Transkei and Glen Grey between 1870 and 1900', unpublished MA dissertation, University of South Africa, 1939
- Haile, A J, 'The problem of crafts and industries in native life', South African Outlook, 1 July 1936
- Hailey, W M (Lord), An African survey: A study of problems arising in Africa south of the Sahara, revised edition, London, Oxford University Press, 1957
- Haines, E S, 'The Transkei trader', South African Journal of Economics, v 1, 1933
- Hancock, W K, Smuts, v 2: The fields of force 1919-1950, Cambridge, Cambridge University Press, 1968
- Hancock, W K, Survey of British Commonwealth affairs, v 2, part 2, London, Oxford University Press, 1942
- Hancock, W K and Van der Poel, J, Selections from the Smuts papers, v 5: 1919-1934, Cambridge, Cambridge University Press, 1973
- Hellman, E (ed), Handbook on race relations in South Africa, Cape Town, Oxford University Press, 1949

- Hellman, E, 'The importance of beer brewing in an urban slum yard', Bantu Studies, v 8, 1, 1934
- Hertzog, J B M, The segregation problem, Cape Town, Nasionale Pers, 1925
- Hobart Houghton, D, 'Men of two worlds', South African Journal of Economics, v 28, 3, 1960
- Hobart Houghton, D, Some economic problems of the Bantu in South Africa, Johannesburg, South African Institute of Race Relations, 1938
- Houghton, D H and Dagut, J, Source material on the South African economy 1860-1970, v 1: 1860-1899; v 2: 1899-1919; v 3: 1920-1970, Cape Town, Oxford University Press, 1972/1973
- Hobart Houghton, D and Walton, E M, The economy of a native reserve: Keiskammahoek rural survey, v 2, Pietermaritzburg, Shuter and Shooter, 1952
- Hoernle, R F A, 'Present-day trends in South African race relations', Race Relations, v 8, 1, 1941
- Hoernle, R F A, South African native policy and the liberal spirit, Johannesburg, Witwatersrand University Press, 1945
- Horton, J W, 'South Africa's Joint Councils: Black-white co-operation between two World Wars', South African Historical Journal, 4, 1972
- Hunter, M, Reaction to conquest: Effects of contact with Europeans on the Pondo of South Africa, Oxford, Oxford University Press, 1961
- Hutt, W H, The economics of the colour bar: A study of the economic origins and consequences of racial segregation in South Africa, London, Deutsch, 1964
- Jabavu, D D T, The black problem: Papers and addresses on various native problems, Lovedale, Lovedale Press, 1920
- Jabavu, D D T, Native disabilities in South Africa: The Non-European Conference, Lovedale, Lovedale Press, 1932
- Jabavu, D D T, Native views on the Native Bills, Lovedale, Lovedale Press, 1935
- Jabavu, D D T, The segregation fallacy and other papers, Lovedale, Lovedale Press, 1928
- Jabavu, D D T et al, Criticisms of the Native Bills, Lovedale, Lovedale Press, 1935
- Johannesburg Joint Council of Europeans and Natives, Natives' Land Act 1913 Amendment Bill 1927, Memorandum 1, Johannesburg, Joint Council, 1927
- Johannesburg Joint Council of Europeans and Natives, General Hertzog's solution to the native question, Memorandum 2, Johannesburg, Joint Council, 1927
- Johannesburg Joint Council of Europeans and Natives, In defence of the Cape franchise, Memorandum 4, Johannesburg, Joint Council, 1926
- Johannesburg Joint Council of Europeans and Natives, Summary of native disabilities, Memorandum 7, Johannesburg, Joint Council, 1930

- Johns III, S W, 'The birth of non-white trade unionism in South Africa', Race, v 9, 1967
- Johns III, S W, 'Trade union, political pressure group or mass movement?: The Industrial and Commercial Workers' Union of Africa' in R I Rotberg and A A Mazrui (eds), Protest and power in black Africa, New York, Oxford University Press, 1970
- Johnstone, F A, Class, race and gold: A study of class relations and racial discrimination in South Africa, London, Routledge, 1976
- Johnstone, F A, 'White prosperity and white supremacy in South Africa today', African Affairs, v 69, 275, 1970
- Joshi, P S, The tyranny of colour, Durban, E P Commercial Printing Company, 1942
- Junod, H A, The life of a South African tribe, London, Macmillan, 1927
- Kadalie, C, My life and the ICU: The autobiography of a black trade unionist in South Africa, London, Cass, 1970
- Kallaway, P, 'F S Malan, the Cape liberal tradition and South African politics 1908-1924', Journal of African History, v 15, 1, 1974
- Karis, T and Carter, G M (eds), From protest to challenge: A documentary history of African politics in South Africa, v 1: Protest and hope 1882-1934; v 2: Hope and challenge 1935-1952; v 3: Challenge and violence 1952-1964; v 4: Political profiles, Stanford, Hoover Institution Press, 1972/1977
- Katz, E N, A trade union aristocracy: A history of the white workers in the Transvaal and the general strike of 1913, Johannesburg, African Studies Institute, 1976
- Katzen, L, Gold and the South African economy 1886-1961, Cape Town, Balkema, 1964
- Keppel-Jones, A M, 'Land and agriculture outside the reserves' in E Hellman (ed), Handbook of race relations in South Africa, London, Oxford University Press, 1949
- Keyter, C F, '"Underdevelopment" and cheap labour supplies in Southern Rhodesia 1923-1953', unpublished paper, African Studies seminar, University of the Witwatersrand, July 1977
- Klein, V, 'African responses in the Eastern Cape to Hertzog's Representation of Natives in Parliament Bill 1926-1936', unpublished BA (Hons) essay, University of Cape Town, 1978
- Knowles, L C A, The economic development of British overseas empire, v 3: The Union of South Africa, London, Routledge, 1936
- Krige, J D and Krige, E J, The realm of the rain queen, London, Oxford University Press, 1943
- Kruger, D W, South African parties and policies 1910-1960, Cape Town, Human and Rousseau, 1960
- Kuper, L, 'African nationalism in South Africa 1910-1964' in M Wilson and L M Thompson (eds), The Oxford history of South Africa, v 2, Oxford, Clarendon Press, 1971

Leftwich, A (ed), South Africa: Economic growth and political change, London, Allison and Busby, 1974

Legassick, M, 'Apartheid and the labour market', Southern African research in progress, v 1, Centre for Southern African Studies, University of York, collected seminar papers, December 1974

Legassick, M, 'Development and underdevelopment in South Africa', unpublished seminar paper for the Southern African group, Royal Institute of International Affairs, London, 1970

Legassick, M, 'The rise of modern South African liberalism: Its assumptions and its social base', unpublished seminar paper, Institute of Commonwealth Studies, University of London, 1973

Legassick, M, 'South Africa: Capital accumulation and violence', Economy and Society, v 3, 3, 1974

Lekhela, S M, 'An historical survey of native land settlement in South Africa from 1902 to the passing of the Natives' Trust and Land Act 1936', unpublished MA dissertation, University of South Africa, 1955

Le May, G H L, British supremacy in South Africa 1899-1907, London, Oxford University Press, 1965

Leslie, R, 'Coloured labour and trade unionism in Cape Town', The Journal of the Economic Society of South Africa, v 3, part 2, 1930

Lewin, J, 'The electoral system in practice', Political representation of Africans in the Union, Johannesburg, South African Institute of Race Relations, 1942

Lewin, J, Politics and law in South Africa: Essays on race relations, London, Merlin Press, 1963

Lewis, G, 'The Bondelzwarts rebellion 1922', unpublished MA dissertation, Rhodes University, 1977

Lewis, R A, 'A study of some aspects of the poor white problem in South Africa', unpublished research essay presented in partial fulfilment for the MA degree, Rhodes University, 1973

Lewsen, P, 'The Cape liberal tradition - myth or reality?', University of London, Institute of Commonwealth Studies, Collected seminar papers 10, The societies of Southern Africa in the 19th and 20th centuries, v 1, 1969/1970

Linton, A, 'The native and coloured franchise', Presbyterian Churchman, November 1933

Long, B K, In Smuts's camp, London, Oxford University Press, 1956

Lucas, F W, 'Natives and the Wage Act', Report of the National European-Bantu Conference, Cape Town, February 1929, Lovedale, Lovedale Press, 1929

Macmillan, W M, Complex South Africa: An economic footnote to history, London, Faber, 1930

Macmillan, W M, The South African agrarian problem and its historical development, Johannesburg, Central News Agency, 1919

- Madavo, C E, 'Dualism in the South African economy', unpublished PhD thesis, University of Notre Dame, 1969
- Mandelbrote, H J, 'Constitutional development 1834-1858' in E Walker (ed), Cambridge history of the British Empire, v 8, Cambridge, Cambridge University Press, 1963
- Mansergh, N, South Africa 1906-1961: The price of magnanimity, London, Allen and Unwin, 1962
- Mansergh, N, Survey of British Commonwealth affairs: Problems of external policy 1931-1939, London, Oxford University Press, 1952
- Marais, J S, The Cape coloured people 1652-1937, Johannesburg, Witwatersrand University Press, 1968
- Marks, S, Reluctant rebellion: The 1906-1908 disturbances in Natal, Oxford, Clarendon Press, 1970
- Mayer, P and Mayer, I, Tribesmen or townsmen, Cape Town, Oxford University Press, 1961
- Mbeki, G, South Africa: The peasants' revolt, Harmondsworth, Penguin, 1964
- McCracken, J L, The Cape Parliament 1854-1910, Oxford, Clarendon Press, 1967
- Mears, W J G, 'A study in native administration: The Transkeian territories 1894-1943', unpublished PhD thesis, University of South Africa, 1947
- Mohapeloa, J M, Africans and their chiefs: Should Africans be ruled by their chiefs or elected leaders?, Cape Town, The African Bookman, 1945
- Molema, S M, Bantu past and present: An ethnographical and historical study of the native races of South Africa, Edinburgh, 1920
- Molteno, D B, The betrayal of 'native representation', Johannesburg, South African Institute of Race Relations, 1959
- Molteno, D B, 'The Representation of Natives Act', Political representation of Africans in the Union, Johannesburg, South African Institute of Race Relations, 1942
- Moodie, T D, The rise of Afrikanerdom: Power, apartheid and the Afrikaner civil religion, Berkeley, University of California Press, 1975
- Mtimkulu, D G S and Ngcobo, S B, 'Some criticisms of the Act and its results', Political representation of Africans in the Union, Johannesburg, South African Institute of Race Relations, 1942
- Muller, C F J (ed), Five hundred years: A history of South Africa, Cape Town, Academica, 1969
- Munger, E S, Afrikaner and African nationalism: South African parallels and parameters, London, Oxford University Press, 1967
- Naude, B, The Afrikaner and race relations, Johannesburg, South African Institute of Race Relations, 1967

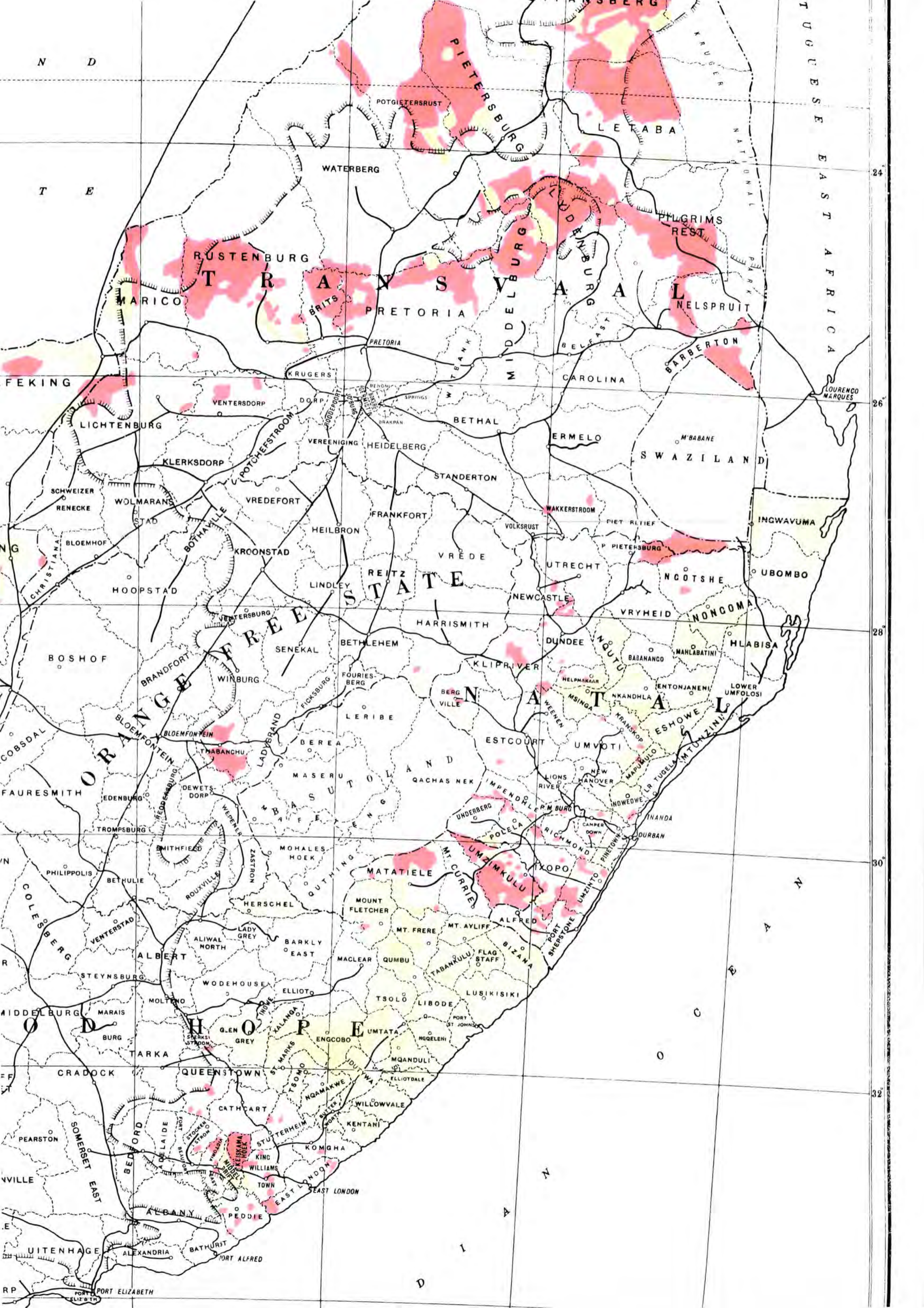
- Neame, L E, General Hertzog, London, Hurst and Blackett, 1930
- Neame, L E, Some South African politicians, Cape Town, Maskew Miller, 1929
- Neveling, C H, 'Farm labour in South Africa', The Journal of the Economic Society of South Africa, old series, part 2, 1931
- Neveling, C H and Neethling, J C, 'Wages of natives on farms', Farming in South Africa, v 5, 54, September 1930
- Ngcobo, A, 'The development of African political protest in South Africa 1882-1910: An analytical approach', unpublished PhD thesis, University of California, 1973
- Ngcongco, L D, 'Imvo Zabantsundu and Cape "native" policy 1884-1902', unpublished MA dissertation, University of South Africa, 1974
- Ngubane, J K, An African explains apartheid, London, Pall Mall, 1963
- Nicholls, G H, South Africa in my time, London, Allen and Unwin, 1961
- Nienaber, P J (ed), Gedenkboek: Generaal Hertzog, Pretoria, Suid-Afrikaanse Akademie vir Wetenskap en Kuns, 1965
- O'Dowd, C E M, 'The general election of 1924', South African Historical Journal, v 2, 1970
- Orpen, J M, The native question in connection with the South Africa Bill, Cape Town, address before the Cape University, 1909
- Paton, A, Hofmeyr, abridged edition, Cape Town, Oxford University Press, 1971
- Peires, J, 'Continuity and change in Ciskei chiefship', unpublished seminar paper, African Studies seminar, University of the Witwatersrand, August 1976
- Pirow, O, James Barry Munnik Hertzog, Cape Town, Howard Timmins, 1958
- Plaatje, S, Native life in South Africa before the European war and the Boer rebellion, London, King, 1916
- Radhakrishnan, S (ed), Mahatma Gandhi: Essays and reflections on his life and work, London, Allen and Unwin, 1949
- Reitz, D, No outspan, Cape Town, Faber, 1943
- Report of the National European-Bantu Conference, Cape Town, February 1929, Lovedale, Lovedale Press, 1929
- Report of the National European-Bantu Conference, Bloemfontein, July 1933, Johannesburg, South African Institute of Race Relations, 1933
- Rex, J, 'The compound, reserve and urban location - essential institutions of Southern African labour exploitation', South African Labour Bulletin, v 1, 5, 1974
- Rheinallt-Jones, E, 'Some considerations which arise for the administration of the Native Trust and Land Act', Race Relations, v 5, 3, 1935
- Rheinallt-Jones, J D, 'The land question in South Africa', South African Outlook, v 57, 670, 1927

- Rheinallt-Jones, J D, 'The worker in industry' in E Brookes *et al*, Coming of age: Studies in South African citizenship and politics, Cape Town, Maskew Miller, 1930
- Rheinallt-Jones, J D and Thema, R V S, Cape franchise and Bantu status, and In defence of the Cape franchise, Lovedale, Lovedale Press, 1928
- Rhodie, N J and Venter, H J, Apartheid: An historical exploration of the origin and development of the apartheid idea, Pretoria, HAUM, 1960
- Richards, C S, 'Economic revival in South Africa', Economic Journal, v 64, 1935
- Richardson, P, 'Mobilizing labour for the South African gold mines: The recruiting operations of the Transvaal Chamber of Mines in South Africa 1903-1905', University of London, Institute of Commonwealth Studies, Collected seminar papers 21, The societies of Southern Africa in the 19th and 20th centuries, v 7, 1975/1976
- Roberts, A W, 'A statistical inquiry into the population problem of South Africa', Transactions of the Royal Society of South Africa, v 13, 1926
- Robertson, H M, 'The economic condition of the rural natives' in I Schapera (ed), Western civilisation and the natives, London, Routledge, 1967
- Robertson, H M, 'Native unemployment', Report of the National European-Bantu Conference, Bloemfontein, July 1933, Johannesburg, South African Institute of Race Relations, 1933
- Rogers, H, Native administration in the Union of South Africa, Pretoria, The Government Printer, 1949
- Rose-Innes, R W, The Glen Grey Act and the native question, Lovedale, Lovedale Press, 1903 (reprinted 1936)
- Rotberg, R I and Mazrui, A A, Protest and power in black Africa, New York, Oxford University Press, 1970
- Roux, B, 'Parliament and the executive' in D Worrall *et al*, South Africa: Government and politics, Pretoria, Van Schaik, 1971
- Roux, E, S P Bunting: A political biography, Cape Town, The African Bookman, 1944
- Roux, E, Time longer than rope, second edition, Madison, University of Wisconsin
- Saunders, C C, 'The new African elite in the Eastern Cape and some late 19th century origins of African nationalism', University of London, Institute of Commonwealth Studies, Collected seminar papers 10, The societies of Southern Africa in the 19th and 20th centuries, v 1, 1969/1970
- Schapera, I (ed), Western civilisation and the natives, London, Routledge, 1967
- Scholtz, G D, Die rebellie 1914-1915, Johannesburg, Voortrekker Pers, 1942
- Schreiner, O D and Ramsbottom, W H, 'The franchise' in E H Brookes *et al*, Coming of age: Studies in South African citizenship and politics, Cape Town, Maskew Miller, 1930
- Shannon, H A, 'Urbanisation 1904-1936', South African Journal of Economics, v 5, 1937

- Simons, H J, 'The law and its administration' in E Hellman (ed), Handbook of race relations in South Africa, Cape Town, Oxford University Press, 1949
- Simons, H J and Simons, R E, Class and colour in South Africa 1850-1950, Harmondsworth, Penguin, 1969
- Slater, H, 'The changing pattern of economic relations in rural Natal 1838-1914', University of London, Institute of Commonwealth Studies, Collected seminar papers 16, The societies of Southern Africa in the 19th and 20th centuries, v 3, 1971/1972
- Smith, R H, Labour resources of Natal, Cape Town, Oxford University Press, 1950
- Smurthwaite, A, 'The policy of the Smuts government towards Africans 1919-1924', unpublished MA dissertation, University of South Africa, 1975
- Smuts, J C, 'Native policy in Africa', Rhodes Memorial Lecture 1929, in J C Smuts, Plans for a better world, London, Hodder and Stoughton, 1942
- South African Institute of Race Relations, The civilised labour policy and the displacement of non-European labour, mimeo RR/102/35, Johannesburg, South African Institute of Race Relations, 1935
- South African Institute of Race Relations, Memorandum on labour resources in the Union, mimeo RR/10/44, Johannesburg, South African Institute of Race Relations, 1944
- South African Institute of Race Relations, Native Trust and Land Amendment Bill, mimeo RR/30/36, Johannesburg, South African Institute of Race Relations, 1936
- South African Institute of Race Relations, Political representation of Africans in the Union, Johannesburg, South African Institute of Race Relations, 1940
- Sullivan, J R, The native policy of Sir Theophilus Shepstone, Johannesburg, Walker and Snashall, 1928
- Sundkler, B G M, Bantu prophets in South Africa, London, Lutterworth, 1948
- Swanson, M W, 'Urban origins of separate development', Race, v 10, 1968/1969
- Tatz, C, Shadow and substance in South Africa: A study in land and franchise policies affecting Africans 1910-1960, Pietermaritzburg, University of Natal Press, 1962
- Thema, R V S, 'The Union's native policy', African Observer, v 5, 1, 1936
- Thompson, L M, The Cape coloured franchise, Johannesburg, South African Institute of Race Relations, 1949
- Thompson, L M, The unification of South Africa, Oxford, Clarendon Press, 1960
- Trapido, S, 'African divisional politics in the Cape Colony 1884-1910', Journal of African History, v 9, 1, 1968
- Trapido, S, 'Liberalism in the Cape in the 19th and 20th centuries', University of London, Institute of Commonwealth Studies, Collected seminar papers 17, The societies of Southern Africa in the 19th and 20th centuries, v 4, 1972/1973
- Trapido, S, 'A preliminary study of African political opinion in South Africa 1884-1955', unpublished BA (Hons) essay, University of the Witwatersrand, 1959

- Treurnicht, A P, Credo van 'n Afrikaner, Cape Town, Tafelberg, 1975
- Van Biljon, P, Grensbakens tussen blank en swart in Suid Afrika, Cape Town, Juta, 1949
- Van den Berghe, P L, South Africa: A study in conflict, Berkeley, University of California Press, 1967
- Van den Heever, C M, General J B M Hertzog, Johannesburg, Afrikaanse Pers Boekhandel, 1946
- Van der Horst, S T, 'The economic implications of political democracy', Optima, June 1960
- Van der Horst, S T, 'Native labour and wages', Race Relations, v 4, 3, 1937
- Van der Horst, S T, Native labour in South Africa, London, Oxford University Press, 1942
- Van der Horst, S T, 'Some effects of industrial legislation on the market for native labour in South Africa', South African Journal of Economics, v 3, 4, 1935
- Van Jaarsveld, F A, The awakening of Afrikaner nationalism 1868-1881, Cape Town, Human and Rousseau, 1961
- Van Jaarsveld, F A, The Afrikaner's interpretation of South African history, Cape Town, Simondium, 1963
- Van Lille, A, The Native Council system with special reference to the Transvaal local councils, Pretoria, De Bursy, 1938
- Van Onselen, C, Chibaro: African mine labour in Southern Rhodesia 1900-1933, London, Pluto Press, 1976
- Vatcher, W H, White laager: The rise of Afrikaner nationalism, New York, Praeger, 1965
- Vilikazi, A, Zulu transformations: A study of the dynamics of social change, Pietermaritzburg, University of Natal Press, 1962
- Walker, E (ed), Cambridge history of the British Empire, v 8: South Africa, Cambridge, Cambridge University Press, 1963
- Walker, E, A history of Southern Africa, second edition, London, Longmans, 1947
- Walker, I C and Weinbren, B, 2 000 casualties: A history of the trade unions and the labour movement in the Union of South Africa, Johannesburg, South African Trade Union Council, 1961
- Walshe, P, The rise of African nationalism in South Africa, London, Hurst, 1970
- Ward, R L, 'Are the mines overtaxed?', South African Journal of Economics, v 4, 1936
- Webb, C de B (ed), 'Reitz-Shepstone correspondence 1891-1892', Natalia, v 2, 1972
- Webster, E, 'Background to the supply and control of labour in the gold mines', South African Labour Bulletin, v 1, 7, 1974

- Webster, E (ed), Essays in Southern African labour history, Johannesburg, Ravan Press, 1978
- Welsh, D, 'The cultural dimension of apartheid', African Affairs, v 71, 282, 1972
- Welsh, D, 'The growth of towns' in M Wilson and L M Thompson (eds), The Oxford history of South Africa, v 2, Oxford, Clarendon Press, 1971
- Welsh, D, The roots of segregation 1845-1910, Cape Town, Oxford University Press, 1971
- Welsh, D, 'The State President's powers under the Bantu Administration Act', Acta Juridica, 1968
- Wickens, P L, 'General labour unions in Cape Town 1918-1920', South African Journal of Economics, v 40, 3, 1972
- Wickens, P L, 'The Industrial and Commercial Workers' Union of South Africa', unpublished seminar paper, Conference on Southern African Labour History, African Studies Institute, University of the Witwatersrand, 1976
- Wickens, P L, 'The one big union movement among black workers in South Africa', The International Journal of African Historical Studies, v 7, 3, 1975
- Wilson, F, 'Farming 1866-1966' in M Wilson and L M Thompson (eds), The Oxford history of South Africa, v 2, Oxford, Clarendon Press, 1971
- Wilson, F, 'International migration in Southern Africa', South African Labour and Development Research Unit, Working paper 1, May 1976
- Wilson, F, Labour in the South African gold mines 1911-1969, Cambridge, Cambridge University Press, 1972
- Wilson, F and Perrot, D (eds), Outlook on a century: South Africa 1870-1970, Lovedale, Lovedale Press, 1973
- Wilson, M and Thompson, L M (eds), The Oxford history of South Africa, v 1: South Africa to 1870; v 2: South Africa 1870-1966, Oxford, Clarendon Press, 1969/1971
- Wolfson, F, 'Some aspects of native administration in Natal under Sir Theophilus Shepstone, Secretary for Native Affairs 1857-1875', unpublished MA dissertation, University of the Witwatersrand, 1946
- Wolpe, H, 'Capitalism and cheap labour-power in South Africa: From segregation to apartheid', Economy and Society, v 1, 4, 1972
- Wolpe, H, 'Industrialisation and race in South Africa' in S Zubaida (ed), Race and racialism, London, Tavistock Publications, 1970
- Wolpe, H, 'The theory of international colonisation: The South African case', University of London, Institute of Commonwealth Studies, Collected seminar papers 18, The societies of Southern Africa in the 19th and 20th centuries, v 5, 1973/1974
- Worrall, D et al, South Africa: Government and politics, Pretoria, Van Schaik, 1971



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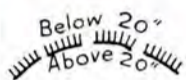
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Released Areas



20 inch rainfall isohyet



0 10 20 30 40 50 100 150 Miles.

Territorial Boundaries

Provincial Boundaries

District or Divisional Boundaries

Principal District Town

Railways

26

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