

Urban Native Policy

Read Welsh: "The Law relating to Urban Areas"

"The Urban Areas Consolidation Act 25 of 1945.

Report "Social Economic Conditions of Natives in Urban Areas of 1942

"Economic Commission of 1930-32.

"Race Relations" Fourth Quarter 1940.

"Race Relations" 2nd Quarter 1946.

- (1) The history of Urban Native Administration
- (ii) The Principles underlying Native Administration
- (iii) The problems arising out of the application of these principles
- (iv) The inter-relation of the urban & the rural problem
- (v) The urban problem in other parts of Africa

The Evolution of the Urban Native Problem

The urban native problem has developed slowly & gradually in S. A.

- (A) The factors which have contributed to the growth of the problem
 - (a) The development of industries in S.A. especially after 1870 with the discovery of first (1) the diamonds & later of (b) gold & coal.
 - (b) The ~~growing~~ growth of the native population in the Reserves coupled with the shortage of land in the Reserves.
 - (c) The impaction of taxation in cash on the native population
 - (d) The growing economic needs of the African & ^{his} the inability of to meet these out of his earnings from the land in the Reserves
- (B) The governments of S.A. prior to Union did not pay much attention to the problem of the native in the urban area. It was not apparently contemplated that his stay in town should be anything more than temporary. Consequently prior to Union we find little provision in legislation or administrative machinery for the treatment of this problem.

As a rule local authorities were given a free hand in dealing with the native in their midst. In dealing with this problem the local authorities were facing concerned with the following matters:-

- (ii) the segregation of natives into separate residential areas i.e. locations
 - (iii) the maintenance of law & order in such locations
 - (iv) the maintenance of sanitary conditions, the prevention of overcrowding & other health measures
 - (v) the regulation of the brewing of kaffir beer
 - (vi) the maintenance of pass laws & curfew regulations
- Laws dealing with these matters in different colonies were
- (a) Cape: The Public Health Act 23 of 1897
 - (b) Natal: Act 2 of 1904 - re creation of locations
Act 15 of 1869 which dealt with vagrancy & the curfew
The Native Beer Act²³ of 1908 - which dealt with beer-brewing
 - (c) Transvaal: Ord. 43 of 1902 which dealt with Night Passes
Ord. 18 of 1909 " " " " the regulation of Passes
 - (d) O.F.S.: Municipal Ordinance: which gave local authorities the right to (i) establish locations (ii) manage locations (iii) regulate around.
- Colonial Governments differed in the extent to which they supervised the local authorities in their discharge of these functions in connection with native locations

Effects of Union

- One of the objects of union was uniformity in regard to native policy
- Under the S.A. Act (S. 85) the control of municipalities was vested in the Provincial Councils. This meant locations were subject to Provincial Councils
- Under the S.A. Act (S. 147) Native Administration was vested in Union Govt.
- The question therefore as to who was the ultimate authority - in matters relating to natives in urban areas - the Provincial Executive Committee or the Governor-General in Council.
- The Native Affairs Dept. maintained that the Union Govt. was ultimately responsible for natives in urban areas because of
- (i) the necessity for uniformity in native policy throughout Union
 - (ii) the necessity for supervision of local authorities in the discharge of their duties towards the natives in these matters
- It was this view which prevailed in the end.

Conditions in Urban Areas

- (C) Actual conditions in the urban native locations were far from satisfactory as had been pointed out by various Govt. Commissions of
- (i) The S. A. Native Affairs Commission of 1903-5.
 - (ii) The Commission appointed to inquire into the condition of the Native Women. (1913) (U.S. 39-13)
 - (iii) The Tuberculosis Commission of 1914 (U.S. 34-14)

Nothing was done about the reports of these commissions owing to the War of 1914-18.

In 1918 the influenza epidemic took over the country & resulted in much loss of life especially in the urban native locations & the Native Affairs Dept. in its report for 1917-21 (U.S. 34-22) stressed the necessity for immediate action about the problem of the urban native.

The matter was taken a stage further by the Provincial Local Government Commission of 1922 which in conjunction with the Native Affairs Commission drew up a memorandum embodying the principles which should ^{govern} any legislation relating to natives in urban areas.

The Native Urban Areas Act

The law relating to natives in urban areas was finally passed in 1923 - The Native Urban Areas Act 27 of 1923. The original intention of the Bill was to improve the lot of the African in urban areas. Local authorities were however unwilling to accept this responsibility - unless the rights of Africans to enter towns was restricted. Hence the law in its final emergent form embodied the following principles

- (1) The responsibility for providing the natives in their needs with accommodation rests upon the urban local authority. Under the Act the local authority could discharge this responsibility in three ways:—
 - (a) by the establishment of locations for the floating population in which the dwellings would be owned by the local authority
 - (b) by the establishment of villages for the more permanent population in which dwellings would be built by the natives themselves on plots leased from the local authority
 - (c) by the creation of hostels for single workers

This most part of the law has not worked out as was intended. Most local authorities have only provided two types of accommodation namely locations situated. The reasons why villages have not been established are as follows:—

- (i) The unwillingness of local authorities to see hostels in their midst a permanent native population. This is due to the general ^{theory} feeling that the towns are European areas & Natives must have their permanent homes in the reserves.
- (ii) The small number of Natives who are permanent residents in towns
- (iii) The small number of Natives permanently resident in towns who could afford to put ^{up} their own dwellings
- (iv) The fears of local authorities that if Natives were allowed to put up their own houses they would put up cheap dwellings which would quickly dwindle into slums
- (v) Natives have been reluctant to put up substantial houses on plots which are owned by local authorities and by themselves.

In the carrying out of their responsibility to provide accommodation the local authorities are supervised by the Native Affairs Dept. which must approve all plans & provisions regarding buildings, sanitation, water, lighting etc. which can compel a local authority to carry out its duties in this regard or can carry out the necessary measures itself at the expense of the local authority.

The Segregation Classes Principle

- (i) Once a local authority has established a location it is empowered to compel all Natives except exempted classes to take up residence in the location. This can, of course, only be done where there is accommodation available for such persons in the location. Where accommodation is not available in the location, the local authority may provide premises outside the location for the residence of Natives.

- (ii) ~~Abstract Native dwellings~~ Premises exempted from these provisions include (i) owners of immovable property (ii) registered voters (iii) domestic servants (iv) persons living on licensed premises.
- (iii) The existence of churches, schools, places of entertainment for natives outside the location may also be regulated
- (iv) Africans are not permitted to acquire ^{immovable} property from non-Natives in the urban area except:
- (i) the lease of land in locations & Native villages
 - (ii) the provision of certain specified forms of accommodation
 - (iii) the acquisition of land in areas approved for the residence of natives under section 9(2)(b)

Control

Introduction

Such examination of the relevant law will show that the urban African has no right to accommodation at all; his residence in a particular place, i.e. village, location or hostel or licensed premises is a privilege conferred on him by some municipal official, the privilege being subject to withdrawal. He cannot purchase a house or other immovable property or lease premises or a plot on a contractual basis.

I At first it was thought that the ^{intention} ~~meaning~~ of the law ^(S.S) was that if ^{an} the urban local authority could not compel an African to take up his residence in a village, location or hostel unless adequate accommodation was available ^{for all Africans} in the area concerned (See R v Hodder & Fryday (1927 T.P.D. 101)

II. By an amendment of the Act in 1930, the section gave urban local authorities the power to compel any individual African to take up residence in a village, location or hostel if accommodation is available for him irrespective of what the position is with regard to Africans as a whole in the urban; the same amending Act made provision for the licensing of premises for the accommodation of Africans. As a result of these amendments the Supreme Court has taken the view that the African ~~cannot~~ ^{is} compelled to general an provision in urban area even if he knows that there is insufficient accommodation available for Africans in the village,

location or hotel, the assumption being that such persons might find accommodation in licensed premises. (See R. v. Kostas 1932 A.D. 38 and R. v. Nyande 1939 T.P.D. 369.)

III Moreover the word "accommodation" is interpreted by the Courts to mean "reasonably adequate" accommodation for the African himself, & not necessarily adequate for himself & his family, & even if, less convenient & comfortable than that of his own house outside the location. (See R. v. Mhonyane 1934 T.P.D. 363; R. v. Mhonyane 1934 A.D. 489)

Further

IV The Consolidation Act does not make it compulsory for an urban local authority to provide sufficient accommodation on land for the residence of Africans; the Act is merely permissive & not imperative. No African can force a local authority by mandamus to provide him with accommodation or grant a licence for his accommodation within the proclaimed area. (See Makubira v. Beira Municipality 1935 A.D. 313)

V The Act does not compel the Minister of Native Affairs to facilitate ~~continually~~ ^{under 55 3 & 4} to exercise his right to provide accommodation for Africans in the urban area & charge the local authority for the accommodation.

VI Even ~~even~~ assimilated Africans have not got the right to acquire property in the urban area from non-Natives except with the consent of the Town Board. Not only does this apply to property required for dwelling purposes but to property required for any purpose whatsoever, e.g. trading or professional purposes. Such Africans may of course acquire property from other Africans in the urban areas but the number of such plots is small. According to the 1938 census land in native ownership in the urban areas of the Union was as follows:—

	Improved lots	Value	Unimproved lots	Value
Cape	2738	£242622	711	£34,408
Natal	685	62321	429	14,748
Transvaal	2552	620607	1183	85,624.
O.F.S.	5	1745	7	not valued.

VII The only other place where Africans in urban areas may reside is in an area set aside by the Minister under S. 9(2)(b) for the residence of Natives.

In my few cases the Dominions received their powers in form of Ordinances which were largely deliberate in nature of the Reg. Order in Southern Rhodesia. But even in the case of such cases local authorities are expressed

as to make regulations for the management, control & good government of such areas & (a) to make regulations in the territories of such areas.

VIII Within the Section the words of the Queen in respect to the exercise of special powers. And municipal Section regulations to apply.

"I reserve the right to make special powers to the High Commissioner, and should any

such power be exercised, the High Commissioner shall have the right to make special powers to the High Commissioner."

These words are in respect, in special cases to the High Commissioner to the High Commissioner. (See also the High Commissioner No. 1943 W.R.D. 91)

In municipal regulations provided for the exercise of powers of the High Commissioner in respect of any person or any person within the area of jurisdiction of the local authority concerned. It is provided that regulations are provided in the form of the High Commissioner to the High Commissioner. (See also the High Commissioner No. 1943 W.R.D. 91)

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IX Although under the Act local authorities subject to the supervision of the Central Government, or responsible for providing accommodation for persons,

the local authorities have failed to carry out their obligation to provide suitable accommodation for Africans; thus there is a great shortfall of accommodation in the towns. This has been accentuated by the influx of natives into towns owing to the rapid industrialisation of the country and the demand for ^{skilled} native labour in the towns. The shortage of accommodation for Africans in towns has been commented upon by the Joint Committee on the Social Economic Conditions of Natives in towns ¹⁹⁴². The Health Reports of Medical Officers of Health in various towns have dwelt on the same thing. The Social Economic Planning Council in its report on Regional Town Planning (C.S. 34 of 1946) has also referred to the housing shortage in urban areas; see also the Report of the Cape Flats Commission.

The Causes of this shortage of houses are

- ① The European desire to have cheap native labour to staff the towns etc.
- ② The demand for the segregation of natives in towns
- ③ The influx of natives into towns caused by the poor economic conditions of the reserves
- ④ The rapid industrialisation of the country & the demand for native labour
- ⑤ The poverty of local authorities which have not got enough revenue to meet their obligations in this regard; many towns have fewer natives than European populations (1947 Census Statistics for principal towns show this)
- ⑥ The inability of Africans to pay economic rents away from their low wages
- ⑦ The difficulty of obtaining building materials as a result of war conditions
- ⑧ The shortage of skilled workers
- ⑨ The labour ban in the building industry which results in Africans not being allowed to build for Africans in the urban locations.

Union Urban Native Policy

The development of urban native policy in South Africa may be divided into three periods; namely

- ① Policy prior to union & after union up to 1923.
- ② Policy between 1923 & 1945.
- ③ The Present Position & the Future Trends.

The first period i.e. up to 1923 was characterised by a policy of laissez-faire based upon the fiction that an urban native population did not exist. The urban native problem was simply ignored.

The second period i.e. 1923 to 1945, saw the first attempt at dealing with the problem by way of defining the responsibilities of local authorities & giving them powers to deal with the problems created by the presence of native urban.

The third period i.e. the present is characterised by the growing realization of the necessity for a re-orientation of urban native policy in the light of present & future economic trends. Both Union Government & Provincial have stressed this necessity for a revision of our urban native policy, especially

- ① The Agricultural & Industrial Requirements Commission - The Van der Merwe Report.
- ② The Reports of the Social & Economic Planning Council
- ③ The Report of the Pagan Commission - d.S. 25 of 1948.

Conditions Prior to Union

Before Union the administration of urban Natives was vested in local authorities subject to central government approval of their regulations affecting urban natives. The powers granted to local authorities varied & the policies of the different colonial governments varied. But on the whole local authorities were given a free hand in dealing with their native communities. In the Cape local authorities were given powers to control money, licences & to compel Natives to reside therein, to regulate the brewing of kaffir beer, the carrying of knotholes, & the imposition of curfew regulations. In the Northern Provinces local authorities were empowered to establish & administer licences whereby Natives might be compelled to live. In Natal local authorities were given

- (i) a monopoly of manufacture & sale of kaffir beer the profits being devoted to Native welfare.
- (ii) the right to introduce the regulation of kaffir beer.

In the Transvaal the central government controlled kaffir beer & curfew regulations.

Under the laissez-faire conditions prevailing industrial workers whether European or native sought their own accommodation where they could find it. In the case of natives employers, including the Governor & local authorities provided accommodation for their employees only at their own expense. where land was readily available near a location given by the natural segregation of the natives themselves. In this way the large towns & other centres became dotted with small agglomerations of native dwellings which were leased to any native, other families who was able to pay the rent. In such manner the shams of an cities came into being."

Although the local authorities were empowered to prevent the growth of slums or to provide better administration for their locations they did not exercise these powers & the early growth of native locations was entirely left beyond the scope of warnings by Commissions such as the 1902-5 Commission

Post-War Developments.

After war the greater error on the local authority was responsible for the welfare of natives in towns. Section 85 of the S.A. Act had vested the control of municipal affairs in the Provincial Council, while section 407 of the same Act had vested the control of native affairs in the Governor. Several in Council acting through the Department of Native Affairs. It was finally agreed in the interests of uniformity & of the exercise of supervisory authority that the Native Affairs Dept must have a say in the control of natives in towns. This view was endorsed by the Govt which held that all regulations affecting natives require central government approval. Many years passed however before these powers were exercised for the benefit of the native population. Various Commissions reported on the necessity for action in regard to the increase of native locations in towns

- eg. "The Commission on Basqual's on Warden 1913
- "The Tuberculosis Commission 1914"

mentions the native population in towns increased to 7000 by 1911, the native population in town was 508,000 and total urban population of 1,437,000.

In 1918 the influenza epidemic broke out & resulted in the death of thousands of Europeans & Africans in towns. This forced the Government into action & in 1927 the Native Urban Areas Act was passed.

Therefore, please a pair of evidence - & the Act.

On the 1930s evidence is signed but authority to provide regulations requiring notice is not a type in the urban areas to ensure length.

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Basic Principles of Urban Regulation are as follows:-

1) Principle of Urban Regulation

- A. The local authority is given power (1) to regulate the use of land for residential, industrial, etc. purposes & (2) to regulate the use of land for other purposes, such as for the provision of housing, etc. The local authority may also have power to regulate the use of land for other purposes, such as for the provision of housing, etc. The local authority may also have power to regulate the use of land for other purposes, such as for the provision of housing, etc.

The local authority has not decided its duties, the principle of urban regulation is signed to carry them out & to provide the local authority with necessary information.

On 1937 evidence is signed to provide the urban area with necessary information.

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Land held by Natives in Urban Areas. 1938

<u>Province</u>	<u>Number of Improved Lots</u>	<u>Value</u>	<u>Number of Unimproved Lots</u>	<u>Value</u>
Cape	2738	£242,622	771	£34,408
Natal	685	62,321	429	14,748
F.S.	5	1745	7	-
Transvaal	2352	£620,007	1183	85,624.
<u>TOTAL.</u>	<u>5780</u>	<u>927,295</u>	<u>2390</u>	<u>134,780</u>

② The Segregation of Natives

- i. By proclamation the G.O. may decide that after a certain date all Natives in a certain urban area must reside in a location, village or hostel
- ii. Any Native may be given three days' notice to take up residence in location, failing which he is guilty of an offence
- iii. Certain Natives are exempted from this provision, including:
 - (a) domestic servants (b) other servants accommodated on employer's premises (c) registered owners of immovable property (d) other dependants (e) registered horticultural workers (f) other dependants (g) Natives residing in an area set aside by G.O. for residence of Natives under s. 9(2)h.
- iv. ^{Approved} Certain persons may be licensed to accommodate a specified number of Natives of one or other race. Such persons may be given six months' notice to ~~remove~~ cease to conduct such institution except in a location, subject to the right of compensation.
- v. No person except an officer of the Native Administration or the local authority may reside in a location without the approval of the local authority, Minister & the local authority.

③ The Acquisition of Property by Natives

- i. Outside a location or village, no Native or association in which a Native has an interest may ^{not} acquire any land except with the approval of the G.O. given after consultation with the local authority concerned. This covers cottages, buildings societies saving banks with ~~no~~ not more than 20% Native interest as exempted
- ii. Similarly inside locations or villages no person other than a Native or non Native company may acquire land or premises or interest therein without the approval of the G.O. The same applies to land set aside under s. 9(2)h.
- iii. Mortgage bonds in area set aside under s. 9(2)h must conform to certain terms & conditions laid down by the G.O.

④ Restrictions on Entry & Residence of Natives

- i. Under s. 10 the G.O. may proclaim an urban area, thereafter Natives are not permitted to enter such area except under prescribed conditions. The G.O. may issue such a proclamation of his own motion or may be requested to do by a local authority concerned.
- ii. Only Union & Protectorate Natives may enter an urban area or continue therein without the written permission of the G.O. given with the concurrence of the local authority
- iii. No person may introduce a Native into a proclaimed urban area without the written permission of an officer of the local authority. Such person must guarantee to return the Native to his home if he fails to find to find employment or to maintain his employment.
- iv. In proclaimed areas the local authority may be required to provide for the registration of service contracts of employers of Natives. Thereafter employers must report termination of contracts & desertion of service. Service contracts must be produced on demand by an authorized officer.
- v. In proclaimed areas every Native male entering must report his arrival & obtain a document to be produced on demand certifying that he has obtained permission to be in the proclaimed area. Entry may be refused if there is a surplus of Natives in the area (iii) if the entrance has not complied with the provisions in Provisional & Hotel, (iii) if the entrance is under 18 yrs not coming to reside within parent or guardian or to approved employer, (iv) if the applicant is a woman who has no permission from the magistrate or Native Commissioner of her area or she is under 21 the permission of her parent or guardian is required.

- (vi) The ^{local} authority is empowered to compel to leave the urban area
 - (a) those not registered on service contracts or licensed as casual labourers except those born in the area, women of low caste, ministers, preceptors, teachers holders of exemption.
 - (b) those who are habitually unemployed, have no sufficient means of livelihood, are leading an idle, disorderly or dissolute life or who have committed specific offences, including liquor offences.

vii. Local authorities are required to take periodical censuses of native population showing sex, number, occupation, employment, place of origin, households of immovable property owned by natives & the number necessary to supply the labour requirements, the number considered surplus. After obtaining this information the S.G. can require local authority to supply a list of names of persons who might be removed from the area, decide which should remove & date their removal.

(v) Trading. Local authorities are empowered ^(a) to let sites in locations or villages for trading or business purposes provided no such site is let to a person other than a Native, ⁽ⁱⁱ⁾ no Non-Native is employed on such site & ^(b) to make regulations relating to hawking & peddling (c) to carry on business itself with the approval of the Council if he is satisfied that such a course is in the interests of Natives.

Present Position of Natives in Urban Areas.

The Object of the Urban Areas Act was to bring about segregation of Natives in towns, provide them with reasonable accommodation, eliminate slums & restrict the entry of Natives into towns.

To what extent have these objectives been achieved since 1921.

Population. Has the native population in the urban areas remained static? The following figures reflect the position:

NATIVES IN URBAN AREAS.

YEAR	MEN	WOMEN	TOTAL
1911	410 161	97 981	508,142
1921	439 707	147 293	587,000
1936	784 769	356 874	1141 643
1946	1 152 022	642 190	1 794 212

PERCENTAGE INCREASE OVER PREVIOUS CENSUS.

YEAR	MEN	WOMEN	TOTAL
1921.	7.1	50.3	15.5
1936	78.4	142.3	94.5.
1946	46.8	79.9	57.2.

Comments:

1. The foregoing figures indicate a rapidly increasing urban native population
 11. Most of this population is a floating population but the degree of permanent urbanization is indicated by (a) longer residence of men in towns - the figure of permanent urbanized Natives (i.e. those who have resided in towns for more than 3 years) was estimated by the Social Security Committee in 1943 to be 725,000 (b) the more rapid increase of the female population over the male population (19.2 in 1911, 25.2 in 1921, 31.2 in 1936, 35.8 in 1946)
- In 1921 to 1936 the male pop. increased by 44.9% (102,960 to 149,245)
- " " " " female - 245.3% (12,160 to 41,787)
- " " 1936 to 1946 male pop. increased by 45.9%
- " " " " female - 127.2%

Limit of influx: The foregoing population are not obviously not due to natural increase of urban natives but rather to an influx of Natives from the rural areas. Thus

1. in 1936 the number of Natives employed outside mining was 113,000 in 1936 }
163,000 in 1946 }
11. In the Cape Peninsula the native population increased from 164,855 in 1926 }
421,744 in 1946 }

These figures prove that despite legislation the townward flow of Natives was not stemmed. The reasons for this failure are

- (a) the legislation is so cumbersome or so unworkable that it cannot be applied
- (b) the application would require an unnecessarily large personnel
- (c) the legislation has in any case not been systematically applied because it is in conflict with the economic development & the industrialization of the country.

The number of areas closed to Natives i.e. proclaimed areas is 279 including the whole of the Reef from Randfontein to Heidelberg.

111. The question may be asked as to whether there are in fact any surplus Natives in towns? The binomial census provided for in the Act was taken only once in 1938. That census showed the surplus population in towns to be under 19 - 118,433 }
over 19 - 218,023 }

The great majority of towns which reported surplus had a surplus of less than 400; only 8 towns had a surplus of more than 400.

112. More drastic steps have had to be taken to restrict the influx of Natives into towns. These have included the following: -

- (1) Limiting the right of Natives to travel by train to certain areas e.g. the Cape Town. This restriction is fairly easily evaded.
- (2) allowing local authorities to control the influx as well as to regulate service contracts.
- (3) The setting up of labour exchanges in areas with population over 5000 with the prohibition of the employment of persons not registered at labour exchange.

Housing

- i. The history of urban native housing may be summed up as follows: -
 - (1) laissez faire before Union
 - (2) evasion of the problem after Union

The result has been the growth of slums in or near urban areas and of falling by unsatisfactory conditions within the locations themselves.
- ii. Various Commissions commented adversely on the housing conditions of Natives in urban areas for many years before anything was done e.g.
 - (a) The S.A. Native Affairs Commission 1902-5
 - (b) The Annals on Women " 1913
 - (c) The Tuberculosis Commission 1924.
 - (d) The Housing Committee 1920 which considered housing in 9 principal centres but their Reports had apparently no effect.

- iii. The reasons for the neglect of housing conditions of Natives were
 - (a) inadequate financial resources of the local authorities.
 - (b) fear of burdening themselves with heavy recurrent commitments.
 - (c) the low wages paid to Natives.

iv. Repeated attempts of that date to deal with the financial implications involved were made in the Housing Act 35 of 1926 which empowered local authorities to borrow money from the Administrator of the Province or from elsewhere to construct approved dwellings or carry out approved schemes. Under this Act a Central Housing Board was established. But for many years the local authorities used their powers to improve European housing but did nothing about non-European housing. The needs of European housing were being dealt with on economic basis.

v. Gradually it was realised that the housing needs of the poorer income groups could not be met on an economic basis. Hence in 1930 a new scheme was introduced empowering local authorities to obtain loans at a sub-economic rate of interest for housing schemes for persons unable to pay an economic rental, preference to be given to persons evicted from slum dwelling. In other words sub-economic housing was to be combined with slum clearance. At first Natives were excluded from this scheme but in 1934 the Board was empowered to approve location schemes + slum clearance schemes. By 1934 December the Housing Board had approved £550,000 in respect of Native Housing loans.

In 1936 a new basis for sub-economic loans was established at the limitation of the sub-economic loan to slum clearance was done away with. Sub-economic loans were made available at $\frac{3}{4}\%$ provided the local authority in fixing rent undertook to lose $\frac{1}{2}$ half what the Government lost. This availability of money at a low rate of interest caused more local authorities to undertake housing schemes for Natives. By 1939 rep/5206/604 had been voted for non-European housing, over £4 million being sub-economic. Some municipalities went so far as to borrow not from the L.C. but from elsewhere for their schemes. e.g. Johannesburg out of £1,497,480 for Native housing in 1939 borrowed only £404,674 from the Housing Board.

Loans approved by 1944

Type of Loan	Loans approved		Houses built	
	European	Non-European	European	Non-European
Economic	6.6 million	1.3 million	8384	10,096
Sub-economic	2.9 "	11.7 "	4636	34,695
Aged Poor	.18	.02	331	198.

Advisory Boards.

1. Africans are excluded from the municipal franchise in all provinces except the Cape provinces.
 - (a) In the Cape the qualifications for the municipal franchise are
 - (a) ownership of rateable property valued at £100, occupation of rateable house
 - (b) occupation " " £200 " "
 - (b) Prior to 1945 tenants of municipal houses of rateable value were registered as voters but in case of Rhodesia or Transvaal of P.R.C. it was held that only monthly tenants of municipal housing schemes are liable to pay rates; therefore weekly tenants do not qualify. Therefore to give this qualification tenants all municipalities have to do is to make rentals payable weekly. This has been done.
2. The number of Africans entitled to municipal franchise in the Cape is very small because
 - (1) very few own immovable property in town - this number cannot be increased because Africans are not allowed to acquire immovable property except with the S.B.'s consent (S. 6 of Act 25 of 1945)
 - (2) municipal houses are usually valued at less than the amount required for qualification
 - (3) if they municipal houses are valued at the required amount, rentals can be paid on a weekly basis.

2. The normal way in which Africans are given a say in their own affairs in towns is through the system of advisory boards. These were first introduced in 1924, C.S. under the original Native Urban Areas Act.

Constitution Under the Act as amended consolidated in 1945, every urban local authority is required to establish an advisory board for every location & may with the permission be required by the Minister to establish ^{within the} for any area where Natives reside.

- Composition
1. The Board shall consist of not less than three members, Natives, resident within the Board's area of jurisdiction ... not necessarily residents in the location. The chairman may be a European, but may also be an African.
 11. As a rule the Board consists of six members, three elected by registered occupiers in the location & three nominated by the local authority, with the Superintendent of the location as chairman.
- According to a survey conducted by the Race Relations in 1948 in 77 local authorities:
- | | |
|--|--|
| (a) in 58 cases the board consisted of three elected three nominated members | more elected members than nominated - the elected members |
| (b) in 6 " " " " " " | " " " " " " |
| (c) in 2 " " " " " " | " " " " " " |
| (d) in 68 " " " " " " | the board had the Superintendent as chairman of the Board |
| (e) in 76 " " " " " " | a European " " " " |
| (f) in 3 " " " " " " | a member of the municipal Native Affairs Dept " " " |
| (g) in 12 " " " " " " | a Chairman Councillor as chairman of the Board. |

111. Only registered occupiers of municipal houses or stands can vote for members of the Board
2. Elected Board members receive no pay nor privileges; also payment is granted it varies from 2/6 per meeting to 1/1 per month. In Rhodesia the pay is 1/3 p.m.

Functions

1. The functions of the Board are purely consultative: they have no executive nor legislative functions.
2. Regulations proposed by the local authority must be referred to the Board for consideration & report. The Commissioner or Minister shall not approve such regulations unless such a report is forthcoming.
3. The Board must consider requests upon matters referred to it by the Minister or the local authority.

11. The Board may recommend to the local authority the making or adoption of regulations considered desirable.
12. The Board must also consider reports upon Estimates of Public Revenue Accounts.
13. Though a Board must be consulted i.e. must consider reports upon matters, neither the local authority, the Minister, nor the Administration is obliged to act in accordance with such a Board.

Criticism

The Advisory Board system has proved a failure. The people have no confidence in the Board which they seldom ^{have no power to promote their interests} have any power to promote their interests. This lack of confidence expresses itself in various ways:-

- ① Very few people who are entitled to do so take part in the Advisory Board elections e.g. in 1967 the percentage vote is seldom more than 20%.
- ② The Boards are finding it difficult to retain or attract men of ability with qualities of leadership.
- ③ In terms of civil service regulations teachers are not allowed to serve on boards, hence a valuable section of the community is excluded.

Suggestions

As a result of the volume of criticism described against the Advisory Board system from both official & unofficial sources various suggestions have been made for the improvement of the situation.

- ① It has been suggested that a ward system be introduced and that an urban Native Council with executive functions & limited over a proportion of the Public Revenue Account should be constituted. It is suggested that this Urban Native Council should be presided over by a European elected by the Africans, & that this Chairman should be an ex-officio member of the Municipal Council.
- ② It has been suggested that the Chairman of the Board should not be the Superintendent but a city councillor or some other interested citizen.
- ③ It has been suggested that all Board members should be elected, some nominated with a ward system. Thus at Kereka the location is divided into 24 wards each electing a number of secret ballot members on an indirect preferential to elected ward committees. The names of members have special signs attached to them. The Chairman is elected from a panel of Europeans & Non-Europeans submitted by the Native Affairs Department in consultation with the Non-European Affairs of the Municipality.
- ④ It has been suggested that the Board be given definite functions, especially with certain financial authority. This need of more entrenched financial segregation, i.e. separate town budgets whose interests are identical & in any case the local authority would still be the final authority.
- ⑤ It has been suggested that Africans be given direct representation on the Council.
- ⑥ Some have suggested indirect representation as a first step i.e. by a European.
- ⑦ Some have suggested direct representation i.e. by an African. Neither of these proposals have proved acceptable. While this lack of representation continues, African affairs will continue to be neglected.

noticable" (N.A. Commission). It was clear that the policy of self-balancing Native Revenue Accounts was undesirable. Various suggestions were made to obviate this imposition of "a concealed tax" on the Native residents in the urban areas. These suggestions included

- ① The reduction of the price of beer. This did not have the desired effect because it simply led to greater consumption of beer & to more profits.
- ② That the losses on buying licences be not debited to the Native Revenue Account but to the General Account.

In 1944 Parliament amended the Act so that every local authority having a Beer Hall should open a Kaffer Beer Account which as a separate sub-account of the Native Revenue Account,

1. Receipts from the sale of beer to be paid into this account.
- " Charges payable from the Beer Account are confined to (a) expenditure incurred in the sale, manufacture & supply of beer (b) expenditure certified by the Minister as calculated to improve the social or recreational facilities available to native residents or otherwise improve their welfare.

The result of this amendment was that local authorities found themselves with surpluses in the Beer Account & deficits in the Native Revenue Account. As a result of agitation by local authorities another amendment was passed in 1945 which allowed them to use Beer profits for interest & redemption charges on loans raised to finance works in the location prior to the passing of the 1944 amendment. This concession has been extended to local authorities from year to year.

The net result of all this is that local authorities have become dependent upon Beer profits to enable them to run the locations. This is due to the adoption of a policy of financial segregation under which Native locations are expected to be self-supporting whereas the white towns of such locations are an integral part of urban communities. But if the local authorities are to deal adequately with their growing responsibilities as for as locations are concerned, they will have to be more heavily subsidised by the Government & the Province.

Source of Revenue

The Beer Problem

The earliest supply of liquor beer is one of the most contentious problems facing urban local authorities. Various changes in policy in this regard have to be noted.

1. At first the policy followed by ^{many} local authorities with regard to liquor beer was that of total prohibition. The only premises where a measure against policy was allowed was Public House Beer-halls, which were introduced in early 1908. In 1922 when the urban areas that are thought can make to undertake uniformly in the matter of control supply of beer.

"11. The policy laid down by the 1922 Act was that either municipal ~~authorities~~ boroughs or to be introduced or domestic brewery was to be permitted, with the approval of the Minister if the prohibition was to be departed from. In other words the local authorities were not entitled to supply beer in one way or another. If they chose to do so, they could do so by their prohibition, but if they departed from total prohibition, they had to show no other of municipal brewery or domestic brewery.

"11 In 1937 the Urban Areas Act was amended in such a way that domestic brewery became lawful when municipal brewery or licensed brewery was allowed. Provision is also made for domestic brewery to be permitted in authority with municipal or licensed brewery. Domestic brewery may be prohibited by the Minister if it is found to be unworkable may the strategy chosen by the authority or if it is shown.

The result of the amendment was that every municipality has decided upon municipal brewery rather than to be entitled to allow domestic brewery. By Order 1948 148 local authorities use brewery beer in following:-

Truro	20
Alton	2
Wotton	16
Worcester	14

The Urban Areas Act therefore have allowed municipal brewery to supply

domestic domestic brewery in the periods that-

- (a) beer is their national brewery, which is found with the result of
- (b) municipal brewery in the early
- (c) prohibition of domestic brewery, which is shown.

- The municipalities on the other hand claim that
- (-1) municipal brewery is easier to control than domestic brewing
 - (+1) " " " discourages illicit brewing.
 - (-2) the profits from municipal brewing are used for general benefit instead of private profit.

The Active Affairs Commission which investigated beer taxes in 1941 reported that beer taxes had little, if any, effect on the suppression of illicit impositions, though they did affect the sale of illicit beer. In other words municipal brewing produced the reverse of the desired effect.

Urban Native Policy

Reading:

1. Welch: "The law relating to Natives in Urban Areas"
2. Allen: "Urban Native Legislation" - Race Relations
Vol VII: No 4.
3. Social & Economic Planning Council. No 8.
(Local Govt. Functions & Finance)
4. "Social & Economic Conditions of Natives
in Urban Areas" - Joint Committee Report
U.S. 8 of 1940
5. "Regional & Town Planning"
Soc & Econ. Council Report No 5.
6. Report of Committee to inquire into ^{uses & benefits} Kaffir Areas
1942-43.
7. Simons: Some Aspects of Urban Native
Administration: Race Relations Vol 7. No. 4

FORT HARE DIARY.

No. 19

22nd July, 1949.

Friday, 22nd) All students please report to their Wardens
Saturday, 23rd) immediately on arrival, so that the Boarding
Master can be informed.

Sunday, 24th:

7.15 p.m.

College Evening Service.

Preacher : Rev. M. Carrick.

The Offering on behalf of Victoria Hospital.

Flowers for the Service : Mrs. Carrick.

Monday, 25th:

8.40 a.m.

MORNING ASSEMBLY : The Principal.

8.55 a.m.

Classes commence

Wednesday, 27th:

8.55 a.m.

College Meeting

Speaker : Rev. F.H. Brabant.