NATIVE VIEWS
ON THE
NATIVE BILLS

BY

D. D. T. JABAVU
AND OTHERS

(PAMPHLET TWO)

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INTRODUCTION.

The first number of this series of pamphlets appeared last August, giving individual views on the Native views. The present volume contains the considered opinions of five regional conferences conducted last month by Government officials in Maritzburg (for Zululand and Natal), Pretoria (for the Orange Free State and the Transvaal), Mafeking (for Bechuanaland and the North-West districts), King William's Town (for the Cape Province districts known as the Ciskei), and Umtata (for the Transkei Territories up to the Natal border).

The Bantu peoples concerned in these conferences have exhibited such an astonishing unanimity of feeling, that the Government will know exactly what to do if they give due consideration to what has been expressed so clearly, moderately and respectfully. We have supplemented these views with an address given at Johannesburg during the Michaelmas vacation in answer to a speech defending the Segregation policy underlying these Bills. This possibly supplies new information. The combined Bantu of the whole Union are due to hold their own conference in December next at Bloemfontein, and we hope that the third and last number of this series will be composed of the decisions that will then be registered; and that the publication will be ready by January, 1936, in time to be available before Parliament meets.

Perhaps there are many citizens of South Africa and abroad who are unaware that the primary object of these draft Native Bills is nothing but the abolition of the Cape Native vote. That is a fact well understood by any close student of the inner counsels of our local politics. This bitter pill, for the Natives, was originally sugar-coated with the attractive subsidiary Bills touching land and a Union Council. But the Land and the Union Council Bills can, and should be, proceeded with as soon as the Africans have had these Bills translated into their own languages and the next census figures published. It is only fair and right that the Bantu be afforded a square chance to get a proper understanding of what they are asked to approve; and to get that knowledge, the draft measures must be done in their tongues. The printing of Zulu, Sotho, Xhosa and Chwana versions can be achieved at a cost below £200, a very small thing when compared with the total of £200,000 spent every year by the Government in printing Blue Books never seen by the Bantu. Fortunately the franchise question need not stand in the way of the necessary reforms in land matters or in the establishment of a Council; for there is no need for any bargaining to purchase long overdue justice with the surrender of the vote belonging to one small group.

The discussions in this book abundantly prove that the Native franchise is far from being the bugbear it has been made out to be by political propagandists. A mere handful of 10,777 Black voters cannot in any sense be a danger to the huge masses of 886,592 White voters. The suggestion is unreasonable and almost amusing. In 1913, Parliament admitted that the land areas earmarked for Natives (12% of the entire Union) were too small; and promised to provide more land by means of subsequent legislation. For twenty-two years this land has not been forthcoming. The present Bill, instead of implementing
that old-standing undertaking, is, in the words of one observer, "only a promise to redeem another promise made long ago," and a promise that cannot be contingent upon any change in the possession of the franchise; for in 1913 there was no mention nor talk about the Native vote, the latter being a subject first introduced on election platforms in 1925 purely as an electioneering war-cry.

We hope this publication will secure wide circulation for the information of those who do not know what the Black population is thinking about the draft Native Bills.

D. D. T. JABAVU,
President, Cape Native Voters' Convention.

Alice, C.P.
October, 1935.

CONFERENCE (1)

AT MARITZBURG, 4th SEPTEMBER, 1935.

Reuter's report runs thus:—
Natal and Zululand Natives do not want European Senatorial representation in Parliament, as proposed in the Draft Native Bills. They prefer to make their representations themselves direct to the Government.

This was the main point that emerged from the conference of delegates representing 1,500,000 Natives, summoned by the Government to discuss the Native Bills. The conference, which was the first of its kind in the Union, closed this morning and presented an address strongly opposing the scheme for European Senators, expressing appreciation of the proposed legislative Native representative council and additional reserves, and suggesting that a conference such as the one just held should become a yearly event to inform the Government of Native feeling.

"This gathering is unanimous," said Mshiyeni ka Dinizulu, the Zulu Regent, "that it is not the desire of our people to have a European representative in Parliament. They are satisfied that much better results will be achieved by laying before you our representations, as on this occasion without a European intermediary."

(Note: This conference strongly opposed the proposal to have the Bantu represented by European Senators, instead of the status quo.)
CONFERENCE (2)

AT PRETORIA, 6th SEPTEMBER, 1935.

Pretoria, Saturday, 7th September. (Reuter). The conference of chiefs and leaders of the Native peoples of the Transvaal and Orange Free State, which has been in session at Pretoria on the two Native Bills of the Prime Minister, has declined to express any definite opinion on the Bills. The conference adopted a policy of caution and passed a resolution asking for more time to consider the Bills and consult their people.

The conference, which was convened by the Government to hear the views of the Natives on the Bills, was opened yesterday morning by the Acting Minister of Native Affairs (Mr. R. Stuttaford). The morning and early afternoon were taken up by explanations of the Bills by members of the Native Affairs Commission. The conference then went into committee and discussed the Bills.

Late yesterday afternoon and yesterday evening a committee was appointed and deliberated further. This morning at noon the committee presented the following resolution:

"As the chiefs and delegates to this conference were only given two weeks notice of the conference and were not supplied with copies of the Bills in advance, and as the policy underlying the Bills is one of political, territorial and economic segregation, and it is the intention of the Government to further amend the Natives Urban Areas Act to complete its general policy, and in view of the importance and gravity of the situation and the very limited time at the disposal of the conference, and the fact that this policy affects posterity, this conference is unable at the moment to give a matured and considered decision on the fundamental principles and details involved for the following reasons:

Five Reasons.

"(a) The chiefs and delegates were not conversant with the principles involved.
"(b) They had not time to obtain the mandate of the people they represented.
"(c) The Bills are not available in the vernacular and are, therefore, beyond the comprehension of the majority of the chiefs and delegates.
"(d) The chiefs and delegates are not at the moment in a position to visualise or locate the proposed released areas, nor do they know to what extent the released areas are occupied or owned by missionaries, Africans, or private bodies.
"(e) It is the intention of the Government to take a Native census next year and in the opinion of this conference the Native Bills should be held over until the Native population in the scheduled and released areas, and on private farms, has been ascertained through the census.

Requests.

This conference therefore respectfully asks the Government:

"(1) To translate the Bills into the various Native languages;
"(2) To appoint a mixed commission to investigate the scheduled and released areas with a view to assuring the chiefs and the public as to what areas are really and actually granted to them under the Native Trust and Land Bill;
“(3) To convene a Union conference of African chiefs and leaders during the next year to consider the whole policy of the Bills.”

“Let us not rush.”

Three members of the conference who drafted the resolution—Chiefs Sekukuni and Manope, of the Transvaal, and Chief Charles Mopedi, of the Free State—spoke in support of the resolution and explained how they had reached the conclusions contained in the resolution.

“Let us not rush this thing or we will make serious mistakes,” said Chief Mopedi.

Other delegates expressed themselves in complete agreement with the attitude of the committee. One of them made an appeal for the incorporation in the Government’s general Native policy of a progressive education policy.

The resolution was passed unanimously.

Useful Purpose.

In closing the conference Mr. D. L. Smit (Secretary for Native Affairs) said the conference had served a very useful purpose and he thought there should be similar meetings every year to consider matters concerning the welfare of the Native people. The requests contained in their resolution would be conveyed to the Government and he would use his personal influence in support of them. The resolution would receive careful consideration and they would be informed later of the Government’s decision. He could quite understand that they had some difficulty in following the Bills and it was just as well that they should first discuss them with their people.

CONFERENCE (3)

AT MAFEKING, 13th SEPTEMBER, 1935.

Kimberley, Tuesday, 17th September (Reuter).—The third of a series of conferences of Native chiefs, headmen and representatives of the Natives convened by the Government to ascertain the sentiments of the Natives on the Native Bills drafted by the Joint Select Committee of the Union Parliament has been held at Mafeking.

The conference, which was fully representative of the Native population of British Bechuanaland and Griqualand West (delegates coming from as far afield as Douglas, Griquatown, Postmasburg and Kuruman) was presided over by the Secretary for Native Affairs (Mr. D. L. Smit) supported by two members of the Native Affairs Commission, Senator le Roux van Niekerk and Mr. J. Pen Wessels, M.P.

Paramount Chief L. Montshioa, who was seconded by Dr. S. M. Molema, submitted a resolution expressing appreciation of the desire of the Government to explore avenues for a satisfactory solution of the problem, but stating that it was felt that the Natives should be given further time to study the Bills. For this reason it asked that the Bills be translated into the various Bantu languages and circulated.

The following observations, representing the consensus of opinion in the conference, were made:—

(a) In the first place the conference welcomes the Native Trust and Land Bill as a step in the right direction designed to meet a long-felt want. The conference respectfully urges that a census of the Native population
of the Union shall be taken so as to enable the Select Committee and the Government to proceed on intelligent lines in efforts to find land for demarcation as additional areas in various parts of the Union.

(b) The conference respectfully requests the Government to consider the expediency of providing far more morgenage of land to existing Native areas than is suggested in the Bill.

The Franchise.

The following resolutions were passed on the Native Representative Council:

(1) The conference welcomes the proposal for the establishment of a Native Representative Council as suggested in Part 3, Section 13 (1) of the Representation of Natives Bill, provided, however, that the establishment of this body is not intended to disturb Native franchise rights.

(2) The conference would suggest that the personnel of the proposed Council should consist of 50 members so that the Native people may have more adequate and satisfactory representation in the Council.

(3) The conference further considers that the Government should reconsider the matter of incidence of allowance to members so as to raise it, say, to £200.

(4) The conference is emphatic and uncompromising in its opposition to the proposals contained in the Representation of Natives Bill which would have the effect of abolishing the franchise rights conferred some years ago upon African people of the Cape Province in common with other citizens of the province.

(5) The conference respectfully points out that the proposal to deprive a section of the population of citizen rights is indefensible from every ethical point of view, besides being as uncharitable as it is unjustifiable.

(6) The conference considers that instead of the abolition of the existing Cape Native vote, the time has come when full citizen rights shall be extended to the African people of the other provinces of the Union.

(7) Further, in the humble opinion of the conference, the Government should consider the advisability of making provision for direct representation of Native interests in the provincial councils of the other provinces of the Union.

(8) In conclusion, the conference considers that the principle of segregation, political and economic, of the race of people domiciled in one and the same land and living under one and the same Government and one and the same flag is calculated to produce in the course of time results that would be detrimental to the peaceful relations subsisting between the White and Black races of the land.

CONFERENCE (4)

AT KING WILLIAM'S TOWN, 18th SEPTEMBER, 1935.

King William's Town, Thursday, 19th September, (Reuter).—The Native Affairs Commission conference with Cape Province Natives on the Native Bills terminated when the delegates, who represent the whole Cape Province proper, passed the following resolutions, which were moved by the Paramount Chief of the Ciskei, Velile Sandile, seconded by R. H. Godlo and J. M. Dippa:

"This conference welcomes the gesture of the Government in consulting Bantu opinion on the proposed legisla-
tion, and reaffirms its loyalty to the Government. On the principle placed before this conference by the Native Affairs Commission of the abolition of the Cape Native Franchise, the unanimous opinion of the conference is the unequivocal rejection of the proposal to take away the existing right to the vote. In the words of the Duke of Newcastle in 1853, 'It is the earnest desire of Her Majesty's Government that all her subjects at the Cape, without distinction of class or colour, should be united by one bond of loyalty and a common interest.' We cannot, for any consideration whatever, depart from that principle, and we see no reason for the necessity for its repeal nor making any bargain therewith. We earnestly hope the Government will refrain from its intention to remove the existing right to the franchise on the part of future descendants of the possessors of this franchise. We humbly beseech the authorities to proceed with their long overdue programme of raising the political and economic standard of the Bantu throughout the Union without stipulating that the abolition of this franchise is a quid pro quo therefor.

"CLEARLY IN ERROR."

In answering some of the arguments advanced against our franchise, we humbly submit that

(a) Those who, in 1926, alleged that this vote was a menace to the security of the White race by reason of its likelihood to swamp White voters when it was 16,000 to 185,000 White voters, while now it has dwindled to 11,000 to 400,000, are clearly in error, because the machinery regulating voting qualifications rests at all times with Parliament.

(b) It is argued now that it is being abolished be-

(6) It killed the 1917 Native Administration Bill and thus saved all the Bantu of South Africa from a second ill-digested Lands Act.

(7) It has hung up the present Native Bills since 1926, thus keeping the door open for a future genuine franchise for the Northern Bantu.

(8) It successfully prevented the Maori system of separate representation in the Cape election of 1904 from being applied in this country with its inferior franchise based on colour discrimination.

(Note: Under the Maori system of separate Representation from which this Bill purports to be copied, the New Zealand constitution provides for a Maori native member in its Cabinet; but the South African government's proposal makes no such provision).

(9) It saved many Native farms situated in so-called neutral areas.

(10) It has kept out the pass laws when it was sought to have them introduced in 1887.

(11) It has effectively protected its possessors from the pin-pricks of the Curfew Bell Laws.

(12) It has saved us from evictions from towns and enabled us to own property therein.

(13) It has been a standing legal recognition of the fact that the citizens of one and the same country have their economic interests intertwined though they are racially and socially separate.

(14) It is a true reflex of Bantu tradition in that every man has a voice in his court (*kgotla, inkundla*), where children and females are barred.

(15) Its qualifications of property, education and money have induced us to rise in our level of civilisation generally.

(16) We have always regarded it as an honourable "gentlemen's agreement," and when we have said "thank you" for a gift we never expect the giver to return and take back what he has freely given, according to Bantu tradition.

(17) It secured and guaranteed White leadership and supremacy in that we have always been contented to follow the advice of Europeans in our exercise of the franchise and never abused it, and have never been a danger to the Whites. On the contrary, we have embellished the House of Parliament with illustrious personages like Sir James Rose-Innes, W. P. Schreiner, Merriman, Sauer, Saul Solomon, Frost, Sir Charles Crewe, Garret, Sir Bisset Berry, Fuller and Molteno.

(18) It gave us higher education and generous grants for education where those without the vote had to rely entirely on the mercy of charity and accidental benefactors.

(19) It has given us representation for our taxation exactly where our money goes.

(20) Behind this vote lie the principles of freedom, education, full-blooded citizenship, Christian benignity, and a vast loyalty to those in power, confidence in government, elimination of rebellion (for the last Xosa war was in 1853, the bestowal of the franchise in 1854 effectively abolishing all war between us and Whites), and a liberality that gave the Union Act to South Africa with its concomit-
ants of peace and goodwill, and a definite tertium quid between segregation and assimilation.

(21) It forms a constitutional exemption certificate from customary law for those brought up outside of tribal law, giving a qualification that is not subject to the caprice of officials.

(22) Its conditions of a money or property qualification render it superior to manhood or womanhood suffrage because it vests power only on citizens with something to lose, a responsibility of value.

(23) The biggest danger to South Africa as a whole is not the political freedom of the Africans, but the creation to-day of a disgruntled ex-voter population in future generations, better educated than their present fathers. They will feel more grieved than we who in all conscience feel sore consternation at the gloomy prospect.

(24) The removal of this vote will resuscitate bitter feelings against the White race as a whole and compel us to identify ourselves with all anti-White propaganda, especially that already generated in all Africa by the Italo-Ethiopian conflict, this probably being the thin end of the wedge that alarmed South African White voters in the 1929 Kafir Manifesto prognostications.

(25) The abolition of our franchise will be a signal for the political declassing or degrading of the Bantu race as a whole into a sort of semi-slave or helot group of the South African population. From every conceivable point of view, this is not a step forward, but a step backward towards primitive stagnation.

Prayer for Postponement.

With reference to Native Representative Council of the Union and the Land and Trust measures, we humbly pray that these be postponed for at least a year pending the supply of translated copies in all the vernacular tongues and the taking of the census in order that these be submitted to a Union conference under the Native Affairs Act, and that next year this conference include members returned by popular election.

We regret to be informed that the vacancy caused by the resignation of Dr. A. W. Roberts from the commission has not been filled by a member from the Cape Province.

CONFERENCE (5)

AT UMTATA, 23rd SEPTEMBER, 1935.

This is reported by a press correspondent thus:—

One of the most representative meetings of Natives attended the conference held by the Native Affairs Commission to discuss the proposed Native Bills, The conference lasted for three days, and at the close Rev. J. S. Mazwi, in a telling speech, emphasised that the Natives had reached their present state of development with the help of the Europeans. They had received the right of the franchise as part of their education, and if the Government took away their vote, the vote which they had been told was of great value, they would accept it in a most painful manner and would feel they had lost almost everything.

Mr. Mazwi handed over to the Commission the following memorandum, which was unanimously accepted by the meeting:—

"This conference of chiefs, headmen and representatives of all classes and interests of African peoples in the
Transkeian territories places on record its appreciation of the Government’s gesture in consulting them on these Bills and wishes to make the following observations:

"The main and foremost questions it is called upon to consider are (a) The proposed alteration in the existing Cape Native franchise, and (b) the acquisition of additional land.

(1) The most dispassionate consideration of these Bills leads us to the conclusion that the European races of the Union have, by arriving at the principles embodied in them, surrendered to the dictates of race prejudice.

(2) The assertion that the Native franchise is ineffective is not in accordance with fact; while those who hold the right to exercise that privilege have not complained, it then hardly seems to this conference a just and convincing reason for taking it away.

(3) "The fact that hitherto the Natives of the other Provinces have been debarred from that full citizenship enjoyed by the Native voters of the Cape Province appears to this conference an astonishing, illogical and unjust reason for taking away the franchise rights of the latter.

(4) "The only justification or reason advanced for the refusal to extend the franchise to the Natives of the other Provinces is that it is undesirable for Europeans and Natives to vote together in the same ballot box and for the same candidate.

(5) "No evidence in proof of the African race being unworthy of the franchise has been adduced, nor has any reasonable cause or justification warranting the proposal to abolish the Cape Native franchise been advanced.

Granting of Franchise.

(6) "Over eighty years ago, not at the instigation of the Native people but through the initiative of the Imperial Government and with the approval of the European electorate of the Cape Colony, the franchise was granted to the Cape Natives as part of the settlement of the Native question. It would, therefore, be putting the clock of progress back to 1852 if the franchise were taken away.

(7) "The argument that the proposal with reference to the franchise is dictated by a desire to do justice to the voteless Natives in the other three Provinces appears to this conference to be an injustice in that it deprives coming generations of their prospective political rights.

(8) "If the franchise is unjustly taken away it will leave a festering sore that will undoubtedly undermine our respect for the European people and make us feel that our loyalty and hard work hold no hope of reward. It will inevitably engender those very feelings of irritation it is sought to avoid.

(9) It is felt by this conference that any readjustment of the franchise rights, to be permanent and peaceful in this country must be on agreement between Europeans and Natives.

(10) "For these reasons this conference is opposed to the proposal to alter the existing Cape Native franchise rights.

(11) "This conference welcomes the proposal for the establishment of a Native Representative Council as suggested in the Bill, provided, however, that the establishment of this body shall in no way interfere with the Native franchise rights."
This conference would suggest that the personnel of the proposed council should consist of fifty members, in order to provide more adequate and satisfactory representation for the Native people.

We desire to point out, however, that the proposed method of electing representatives for the Union Native Council through and by electoral colleges only, on which educated Natives such as professional men, ministers, teachers and clerks are not represented, will virtually prevent the representation of these classes on the Union Native Council.

Additional Land.

This conference further appreciates the Government’s proposal to fulfil the promise of allocating additional land for Native occupation as proposed in the Land Bill. A promise was made to the Natives at the passing of the 1913 Act, and therefore is long overdue. Such proposed additional land, however, this conference submits, is still inadequate and could be augmented by the releasing of more morgenage in these territories.

Lastly, this conference humbly requests the Government to postpone the consideration of these Bills by Parliament for at least one year at the end of which time the Government is requested to convene at Umtata a conference similar to this one.

In the interim the Government is requested to supply copies of the Bills in the vernacular for proper and full consideration by the Natives in order to formulate their joint decisions on them after consulting the people concerned, and that the resolutions passed at the various conferences be published in pamphlet form and distributed to the delegates to the conferences.

After the resolutions had been read the first speech on them was delivered by the Rev. Jonathan S. Mazwi of Ndbakazi, a man of over seventy years of age, a popular veteran easily equal to the most eloquent member of the Bantu race in the Union. His authority has frequently been recognised by his being elected as head of several important organisations in the Cape Province, and he is at present the President of the Transkei Convention of Native Chiefs. In his personality he has a patriarchal deportment reminiscent of a past era and recalling the gravity of the late John Tengo Jabavu. “There was an unchanging grave dignity about him, which appeared in his speech and demeanour as well as in his writing and clothed him as a garment”—these words, said of Tengo Jabavu, fittingly apply to the character of Mazwi, his personal friend and companion. Upon all listeners who understood the Xosa tongue (for the English translation is but a faint echo of the ponderous effect of the original) the impression made by Mazwi’s address was that of a pathetic appeal by a son to his father, that of a touching adjuration by one of the most representative intelligent Natives alive to a Government that must be stone deaf if it remains unmoved. Whatever be the final destiny of this individual franchise right, it will go down to history that the Native voters have not fought with a dismal defeatism but have marshalled an irresistible case and conducted themselves with extreme respect and dignity.

The proceedings were marked by a very high standard of speaking, and by the evident sincerity and deep feeling of the speakers.—

The Rev. J. S. Mazwi.

The Rev. Mr. Mazwi said he had been asked to formally
hand over the resolution to be submitted to the Government. These were the points they would like to be put before the Government. What they had handed over was to them a very important and delicate matter. They, on their part had been sent by the Government, and he wanted to say that he was expressing the thanks of the conference, as had already been stated in the resolution, and they thanked the Government for its gesture it had offered in the proposals put before them. They had been consulted as an act of sympathy. They thanked the Native Affairs Commission with all their hearts for the way they had explained the proposals put before them. They had explained these matters very lucidly and had left nothing unexplained.

As one of the speakers (Senator Van Niekerk) stated that the Native people preferred plain speaking—that nothing should be left in the heart he would speak openly. The Native Affairs Commission had acted in that manner. It was painful for them to hand in the resolution in the way in which it was worded. It had fallen to their lot to have to do so. The gathering was mainly of chiefs and they interpreted the needs of the people of the Cape Province and really represented the Natives in that Province.

These chiefs and the Native people had been under the protection of the Government for over 100 years—their fathers and their ancestors—and the Commission could see that they were enlightened people, and their history shows beyond doubt that they had been loyal people all their lives. They were a people who had been consolidated and uplifted by the Europeans whom they looked upon as parents and this they did without dishonesty and deceit.

The Native people were proud of the development they had reached which had been reached slowly and through the Europeans. They had achieved this through the gospel and through education and also by the example set them and by the liberality of the Government. They had received the right of the franchise as a part of their education, because of their enlightenment. All these things were ingrained in the lives of the people, and it was extremely regrettable to them, that at this time of the manhood of their people, and after the way the Europeans had brought them up, the method should be fundamentally changed, and a new basis instituted. Even the policy of segregation had never been accepted by them. They had become used to this living together as they felt they could not do without the Europeans. They had been their guides and uplifted them in every manner. This segregation policy of saying “You go that way and we will go this” they had received because they were subjects but had done so with painful hearts.

In regard to the franchise right, they had been told it was the only way they could be together. Some European races had fought for that right. The Europeans had taught them it was a very personal and sacred right. The Europeans had gone so far as to teach them the benefits of the franchise and that no person can be taxed without being represented in Parliament. They took it that the only department of Parliament that was able to make laws and tax the people was the House of Assembly and they knew that the only person who can be represented in this House is the registered voter. “If to-day you tell us to