

**THE SOCIO-LEGAL MATRIX
OF SOUTH AFRICAN NATIVE LIFE:**

**A Review of South African Legislation (1910-1958)
Affecting Natives, with Special Reference to
Domicile and Mobility**

by

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**A thesis submitted for the Degree of Master of Social Science
in the University of Cape Town**

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INTRODUCTION

Men think today about social relations, and in the spirit of their thought they act. To do the right thing, except by accident, in any social situation, we must rightly think the situation. We must think it not merely in itself, but in all its connexions. Sociology aims to become the lens through which such insight may be possible. (1)

Offering as it does so many different facets of study, South African "ethnic" legislation, especially where it concerns the Native in respect of domicile and mobility, has, particularly in recent years, become a subject widely discussed and widely written on. Deeply interested in the human implications and repercussions of such legislative measures, the journalist, historian, playwright, and political commentator, although from very different points of view and with varying degrees of interest and intensity, each in his own way has contributed to this field.

Remembering the words of Professor Hans Gross,

Only the sham knows everything; the trained man understands how little the mind of any individual may grasp, and how many must cooperate in order to explain the very simplest things. (2)

I have in this study used these widely differing approaches and referred to a diversity of sources. I have, however, primarily endeavoured throughout to look at facts and figures from the point of view of the sociologist and the trained social worker. I have held before me, as my guiding principle throughout the study, basic sociological concepts, and I have endeavoured to analyse my material in the light of these. Possibly one of the broadest fields of research for the sociologist in the Union today lies in illustrating sociological concepts from local evidence and relating sociological theories to local conditions.

South Africa's restrictive legislative measures appear to me to arise in large measure because legislators fear that lack of control will be a threat to community stability. On the other hand, these restrictive measures are themselves

viewed by important bodies of opinion as threats to the very stability the measures seek to entrench. The sociologist is concerned with both arguments, since he is concerned with research into the factors of social instability. Social pathologies represent to him a vital field of study. (3)

Wherever the individual may be regarded as maladjusted to the social structure, we may speak of a social pathology. In most pathologies of this kind, the family is the focus of the sociologist's interest. The broken family unit, lack of parental control, the transient and unsettled family, unemployment, and restrictions on mobility, residence, or labour, are all situations which are recognised as basic in many social problems. These factors take on added significance in the often overcrowded urban conditions under which many problem families are found.

The fundamental role of the family is widely stressed in sociological literature. (4) Since the family unit is the basis of society, on the foundation of a stable family life must surely rest the best guarantee of a stable society. When family life is disorganised it presents a social situation, which, unless treated, must permeate and affect the whole social structure.

The factors which threaten a stable community (5) may be either of a material or non-material nature or a combination of both. In an endeavour to find the origin of these -- or the reason for their absence -- it is natural to examine first that basic unit of society, the family. Crime, delinquency, unemployment, and poverty are social pathologies which may all have their roots in a disorganised or an unstable family.

The sociologist knows that the delinquent or criminal may be rehabilitated, or that adjustments may be made to the economic system to relieve conditions of poverty and unemployment. He also knows, however, that it is of far greater fundamental importance to control these social maladjustments. Therefore he will consider preventive measures of primary importance. He will also recognize that the maladjustments themselves cannot be considered as isolated phenomena, but must be studied as part of the fabric of society. For this reason, in a study of social pathologies in the Union, primary concern lies in the existence or evidence of those factors which affect the whole pattern of family relationships in a positive or negative fashion.

Peculiar to South Africa are factors which may complicate local social problems in ways not perhaps found elsewhere. The existence of legally-defined ethnic groups, and the legal restrictions on the domicile of these groups, are factors which make a study of the South African social situation in many ways unique. (6)

Urbanisation as a social process is of course not characteristic only of South African life over the past fifty years, but the legislative measures that control the mobility of certain classes of labour may be said to be peculiar to this country. The Native is unable to move freely within a town, from town to town, or from country to town. Further, there is evidence that, with the rapid growth of cities in South Africa, the problems of crime, delinquency, unemployment, and poverty are increasing rapidly and that these problems are more acute among non-Whites.

The great poverty of most urbanised Natives (judged by Western standards), their lack of family stability, and the increase in the crime rate among them, have recently become focal points of attention. However, despite direct evidence of, inter alia, poverty, crime, unemployment, delinquency, surprisingly little intensive study has been made of problem factors, particularly socio-economic ones, in the family. There has been singularly little objective research into the effect of legislation on socio-economic status of Natives, or of the repercussions on the social life of the community as a whole. Because of inadequate background knowledge the complex, inter-related, factors in each of these social problems cannot be fully grasped. This seemed to me to offer both an interesting and topical field of study.

While it would be of great value to study all ethnic groups in the Union, with regard to the effect legislation has on the stability of the family and its contribution to certain social pathologies, it is obvious that the field that may be encompassed by the thesis of a student for a Master's Degree must necessarily be limited by several factors, of which time and space are not unimportant.

Three main considerations influenced me in choosing the field that this study now covers, viz. the legal restrictions affecting the domicile and mobility of the Native group in South Africa. Firstly, the Native is numerically the largest ethnic group in the Union; secondly, over the course of many years he has been the subject of special legislation to an extent not found in any other ethnic group; thirdly, social workers throughout the Union are becoming increasingly

concerned about the social problems which the urban Native presents.

Setting the study in a background of historical, social, and political developments since the landing of Jan van Riebeeck, the relevant legislative enactments passed from 1910 to 1958 are reviewed. Following the analysis of these objective data, some indications are given of how such factors may contribute to the social pathologies of the Union. In particular the effect on family and community stability in the Native group is studied, as well as the effect such factors may have on the national economy. In addition it must be recognized that certain subjective factors such as individual ideals and values exist which may influence the future planning of programmes designed to offset these liabilities.

The thesis, in accordance with the requirements for a Master's Degree, is primarily fact-finding. It is presented in ten chapters which may be grouped into five main sections. Chapters one, two, and three comprise the opening section of the thesis and give an historical, social and political review. The second section considers in chapter four the meaning of law -- its promulgation, administration, implementation, and enforcement -- and indicates how that general picture fits into the South African social structure. The classification of the Native group, ethnic structure, and the composition and distribution of the Native population are discussed in the third section which is covered by chapters five and six. A factual account of the legislation affecting the domicile and mobility of the Native is recorded in chapters seven and eight which form the fourth section. The conclusion considers the socio-

economic consequences of this legislation. In this final section the urban Native is seen as the crux of the study. Reference is made to family stability, unemployment, poverty, crime, and delinquency, while some attention is given to the possible effect of these social stresses upon the stability of the South African community as a whole. Some questions for the future are asked and the need for further social research is emphasized.

To maintain consistency of nomenclature, the term White has been used throughout the thesis, despite the fact that this name only came into general use after the passing of the Population Registration Act (No. 30 of 1950). Exception to this rule is made where a quotation or a reference is given in which a term other than White has been used by the author quoted, e.g. European. Similarly, the term Native has been employed in the thesis to designate the ethnic group that is nowadays also known in South Africa both as African and Bantu. I use the word Native because that is the term which appears in the legislative enactments under review.

When referring to the ethnic groups, White, Coloured, Asiatic, Native, and Malay, I write the terms with capital initial letters. Where reference to the accepted South African ethnic groups is, however, not specifically intended, I use small initials. Thus I speak of "White" adults in South Africa having the vote, but of "white" society in general; of the South African "Native" tribes, but of persons "native" to South Africa.

Social behaviour and social situations, by their very nature, always have their roots in the past, and divorced from these they cannot be properly understood. In analysing any situation involving human relationships, it is often illuminating to trace its origin and expose the roots from which it has sprung. Professor Vincent Harlow states:

The importance of an historical event, lies not so much in the extent of its influence upon contemporary thought and action, as in its propaganda value for a later generation. (8)

To understand the peoples and policies of the present generation, we must know its history. If social situations are taken for granted, without investigating the fount from which they have sprung, conclusions become distorted, and unbiased study is difficult.

To understand South African legislation affecting the Native in respect of domicile and mobility it is necessary to know the events that were instrumental in laying the foundation for this legislation. Because I am firmly convinced that a knowledge of the past is an essential pre-requisite to an understanding of the complexity of the present, this study is set against an historical backdrop.

The story of South Africa, as we know it today, began on 6th April, 1652, when the three ships commanded by Jan van Riebeeck dropped anchor in Table Bay. His men had come as servants of the Dutch East India Company to establish a victualling station at a strategic point for the Company's ships en route to and from the East, and apart from endeavouring to make the station pay for itself there was no intention of founding a colony. In fact, the Council of Seventeen in

Holland, who were in control of the Company's affairs, were opposed to such a development and, unlike van Riebeeck, were not interested in any ventures into the interior. The Company, in establishing this refreshment station at the Cape, was entering territory occupied by Bushmen and Hottentots, but not Natives.

In 1657 when the Company was persuaded by van Riebeeck to allow nine men to leave its service and to farm free grants of land along the Liesbeek River at Rondedoorboschen, the first steps were taken towards colonization at the Cape and towards the emergence of what was to become the Afrikaner nation. As the hope that these men would eventually become weaned from Holland and make this place entirely their fatherland (9), became a reality, we see the beginning of a new era. These free-burghers, a term used at the time to identify a class of persons other than officials, were the founders of White South Africa.

The decision to import West African slaves to the Cape, taken in 1658 because of the inadequacy of the Hottentot farm and domestic labour, launched White South Africa as a slave-owning country and foreshadowed the subsequent large-scale introduction of Moslem Malays from Java towards the end of the century. This labour policy had far-reaching consequences on the economic, social, and political history of South Africa and profoundly influenced the pattern for the development of white society in this country.

By 1685 the Dutch population at the Cape was supplemented by the arrival of the French Huguenots who sought freedom from religious persecution in France. They had much

in common with the Dutch and were, in the course of time, completely absorbed by them. Thus they lost their language and national identity but not their religion, for the Dutch adhered to a religious tradition that accepted the doctrines of Calvinism and pre-destination also preached by the Huguenots. This religion was to have a profound influence on the Afrikaner of the future.

From its early days the settlement at the Cape had to face difficulties that arose from contacts between Whites and non-Whites. The fact that van Riebeeck had a hedge planted (10), and also contemplated digging a canal across the Cape Peninsula in an effort to separate the two, suggests that he aimed at a policy of territorial segregation primarily for purposes of defence. Socially, however, there was not much disapproval of miscegenation. Today the mating of persons of different races is a crime, but it was not so during the early years at the Cape. Mixed marriages received both official and religious approval. This acceptance of mixed marriages was possibly due to the shortage of white women at the Cape. It was expensive to maintain white women at the Cape at that time; very few had come out with the original settlers and those who had, found the pioneering conditions trying and soon returned to Europe.

Initially the dividing line between the early settlers and the Hottentots was the line drawn between Christian and heathen. Conversion and baptism could obliterate the colour distinction. As Theal states:

A profession of Christianity placed black and white upon the same level. (11)

We learn that a number of Bengali women when converted and baptised in the Christian faith were freed and permitted to marry the Dutch settlers. Theal has placed on record the marriage at the end of 1656 of Jan Wouters, a settler, and Catharina, a freed slave daughter of Antonie of Bengal, and he comments that such marriages in the early days were encouraged -- in fact van Riebeeck saw very definite economic advantages in these unions. It is of interest to note that the very first transfer deed registered in the Deeds Office, Cape Town, is that of the female slave Marie of Bengalen, who having been freed, entered into marriage with one Jan Zacharias, a bachelor from Amsterdam, who had settled as a freeman at the Cape. (12)

So although the heathen slave was treated as an inferior being and was regarded as the hewer of wood and drawer of water, the property of his owner, and as clearly and sharply distinguished by a special skin pigmentation, the baptised slave was spoken of in the same way as the white settler. This tolerance was, however, not to last long.

By the turn of the eighteenth century arable farming at the Cape had ceased to be a profitable means of livelihood and we see the colonists turning to cattle farming. As a result of this change the period was marked by the evolution of the Trekboer, and by territorial expansion and pastoral colonization, mainly to the east of Cape Town. The term, Trekboer, was used to describe the land-owning class of settler who had trekked away from the original settlement in search of better land.

Towards the latter quarter of the century a new element appeared on the South African scene. The trekkers while advancing eastwards from the settlement at the Cape, in search of fresh pastures for their cattle, came into contact with a politically independent non-White, not previously encountered, known as the Bantu. The name Bantu, the plural of Mu-ntu, is an abbreviation of the term Abantu, meaning men or people, and describes a linguistic rather than an ethnic group. It is used as an alternative to the terms Native or African. These people who had a culture and tradition specifically their own had worked their way down from the Central African forests and were occupying the eastern area of the Cape of Good Hope. Unlike the Hottentots and Bushmen of whom there were comparatively few, the Native could be counted in millions.

Both the Native and the Trekboer were pastoralists and both were in search of water and grazing fields for their cattle. It was thus inevitable that, when these two migratory peoples met, disputes should arise between them over the ownership of land. The first Kaffir War took place in 1779 and there followed a century of periodic clashes between these two racial groups with widely differing cultures. W.M. MacMillan when referring to these wars states:

The little-known Kaffir Wars are properly to be regarded as the struggle between two streams of colonizers for the possession of valuable land. (13)

During this period of conflict the black man became identified as the white man's enemy. The Natives were a very real danger to the Boers. They grossly outnumbered them and were capable of deeds of extreme cruelty and

treachery. The relationship of the two races became one involving ceaseless strife, unending vigilance, and a constant struggle for survival. The insecurity and danger of life on the frontier only strengthened feelings of hatred and fear for the heathen man of colour. In time this feeling extended to anyone with a non-white skin.

The British entered the South African scene when the Cape passed into their hands in 1795. Although the colony was handed back soon afterwards, the British took occupation for the second time in 1806 and eight years later Britain gained complete possession. A new chapter in the history of South Africa commenced as these two white nations, two distinct elements, two diverse traditions, met. It has often been pointed out that the early British rule at the Cape bequeathed to the future of South Africa a legacy of division, dissension, and misunderstanding.

The early settlers at the Cape had by this time been moulded into a nation. Their isolated life, heightened by restricted communications helped to widen the gulf between them and the life and thought of their homeland in Europe so that all their interests became centred in South Africa. They called themselves Afrikaners, a term which Theal says was in general use in 1735. It was a French settler as early as 1705 who referred to himself as an Afrikaner. The term then signified a particular outlook on life; it implied an attitude of mind which embraced the Christian faith, accepted Africa as the real homeland and rejected Europe, and did not permit the man of colour to enter its ranks.

Unlike the Afrikaner, who after 150 years of sacrifice

felt he was firmly rooted in South African soil, the Briton still had a very deep attachment to his fatherland, nourished the traditions of his past, and adhered to his background of British civilization and culture.

The beginning of British rule at the Cape took place at a time when the democratic revolutions of the late eighteenth and early nineteenth centuries in France and England had engendered a general feeling of hatred of suppression. Synchronizing with this reaction to chattel slavery we have the birth of the missionary movement.

Although missionaries came to the Cape in the course of the eighteenth century, those sent by the London Missionary Society who arrived at the end of the century were the real bearers of the new liberal spirit. They introduced the colonists to a completely foreign set of ideas. They preached equalitarianism and philanthropy and worked for the conversion of the Natives; views which the colonists found difficult to accept. A feeling of antagonism towards the missionaries and their efforts to protect the coloured races was at that time shared by both the Dutch and British colonists. (14) It was because the missionaries were on the whole British and because their views were largely accepted by the British governors of the day that the philanthropic movement became identified with Britain and the settlers began to condemn everything British. This contributed to the feeling of antipathy between English and Afrikaner.

The hatred developed during those early years for the missionaries and all they stood for is revealed in the Legislative Enactment of the Trekker Republics where in the Nine

Articles of 1837 it was laid down that contact with "Allen den sendelings Genootschap van Engelant" was forbidden. (15)

With the abolition of the Slave Trade in the British Empire in 1807, the Cape experienced an immediate labour shortage. Being deprived of slave labour was a serious blow to the economy of the Cape, and, in an effort to be assured at least of Hottentot labour, legislation was passed to restrict their mobility and thus to compel them to enter the service of the White man. The efforts of the Emancipationists and, to a large extent, Dr. Philip, the leader of the London Missionary Society, culminated in the passing of Ordinance 50 of 1828 which repealed all legislative measures for the years 1809-1819 affecting Hottentots and aimed at improving the condition of Hottentots and other free persons of colour at the Cape. This Ordinance laid down that Hottentots and other free people of colour should be equal before the law with Whites. At a blow all previous discriminatory laws were gone, and the year 1828 became an important landmark in the history of South Africa. With the passing of the British Act (No. 73 of 1833) the emancipation of slaves throughout the British Empire came into force, and brought a further labour crisis to the Cape.

It was natural that the colonists should resent this legislation. They had grown in the tradition that they had certain rights over the man of colour, their slaves were their property and an outward sign of their wealth. It was not appreciated by those authorities who worked for the abolition of slavery that White South Africa had been built on this institution. They failed to realize that the slave-

owner mentality, part of every colonist's being, could not be removed by legislation.

The colonists naturally saw this alien British rule as a threat to their very existence. Britain, they felt, was determined to make the colony British. English was established as the official language, and the introduction of the 1820 Settlers added considerably to the numbers of non-Afrikaners. There were other factors that aggravated the deterioration of British-Boer relations. With the abolition of slavery the colonists felt they suffered financial losses, for they claimed that as slave owners they were inadequately compensated. Another point of grievance was that the British administration did little to assist the Afrikaners during the costly Kaffir Wars.

So they trekked -- not this time to new ideas, but away from them, away from organized government, from official policy, from philanthropic views, from everything British. These new Trekboers symbolised the establishment of Afrikanerdom -- of a society with ranks so closed as to be characteristic of a caste society. We have seen that, prior to 1836, the Cape had witnessed the emergence of an Afrikaner land-owning people. They were the settlers who had trekked away from the precincts of the Cape Peninsula in search of land for their cattle and sheep. It was, however, the Great Trek, that large-scale exodus of thousands of Boers from the Cape that took place from 1836 onwards, that had the greatest impact on the life and thought of the Afrikaner race, and on the future development of the country.

The Great Trek, a reaction to official policy,

encroaching on the freedom of the White employer, created a gulf between the Briton and the Afrikaner that has never been successfully bridged. It also brought thousands of trekking Boers into direct contact with the Native tribes of the interior. In her diary, Anna Steenkamp refers to the preaching of the unbiblical policy of equality between black and white. (16). Such preachings filled the settlers with horror. The "Voortrekkers", as they began to call themselves, were determined to preserve "proper" relations between master and servant. They set out with the firm intention of establishing an independent republic where there would be no equality between black and white, where they would be free from a liberally-minded, unsympathetic, government, and where they would be beyond the frustrating restrictions imposed on them by the British.

They did not set out with the idea of conquering Native tribes, but the further they moved into the interior the more it became necessary for them to defend themselves against the treacherous, war-like, black-skinned, heathen men, so that the eventual conquest of the dark-skinned races became necessary for their self-protection. Gradually these Afrikaner people with the mores and folkways of a slave-owner group became a self-reliant, self-conscious unit, cutting themselves off, even in their language, from the land of their ancestors. The one thing, however, that they retained was their religion. Preaching the doctrines of the elect or chosen people and that of pre-destination, their interpretation of the teachings of the Old Testament became the basis for the Afrikaner's rigid attitude to the coloured races. Slavery had initiated the division in South African society,

but it was the frontier that firmly established it. It is significant to note that these views and beliefs were to return many years later with increased momentum and form the corner-stone of an official policy that was to mould the lives of millions of people, as colour became a dominating feature in human relations in South Africa.

The gradual conquest of the Native tribes brought them under the control of the White man and led to their incorporation into the economic framework of White society in South Africa. As a result of this the Native was exposed to and absorbed Western culture in varying degree. From that time on there began a slow but steady process of acculturation which has continued ever since.

By the Sand River Convention of 1852 and the Bloemfontein Convention of 1854, the South African Republic and the Orange Free State became independent of British rule. These Republics preached the doctrine of freedom only for their own people, the Afrikaners; it did not apply to the man of colour. This view is reflected in the constitution which laid down economic and social equality for White citizens but no equality of black and white in Church or State. MacMillan, in his book "Complex South Africa", emphasizes this point and says that the very raison d'etre for the establishment of the Republics was defiance of the principles underlying the 1833 legislation. On the other hand, when the Cape was granted full responsible government in 1872, there was no colour bar in the constitution, although it should be pointed out that Cape liberalism was never in actual practice as colour blind as it was in theory.

the rise of Afrikaner Nationalism. This consciousness of separateness which had had its roots in sentiment was now

destined to become a political force and to play a vital role in the lives of all South Africans during the twentieth century.

The independence of the two Republics was brought to an end in 1902 when the Boers acknowledged defeat and accepted British peace terms at Vereeniging. Political disunity and Native policy were the two problems that towered above all others when the peace treaty was being drawn up. In terms of the treaty, Britain respected the prejudices of the Afrikaner with regard to the man of colour, for by relinquishing her right to control relations between white and black she acknowledged that South Africa would have to look after her own internal affairs. Her future was to lie in the hands of her own people. "Downing Street had surrendered to the frontier". (18).

After the war, South Africa regained her balance sufficiently to permit of the creation, on 31st May, 1910, of a Union of South Africa. Rhodes's dream of a Union under the British flag had been realized -- but half the country had not forgotten Paul Kruger's dream of a Dutch South Africa. The Union did not end previous feelings of rivalry, animosity, opposition, and hatred -- it merely masked them for a time.

At this time the Prime Minister, General Botha, advocated British-Boer unity and mutual understanding, for he, and others like him, felt that the weapons of tolerance and co-operation were the only ones that would successfully solve the country's problems. This approach, interpreted as a pro-British attitude, was instrumental in sowing seeds of disunity in the Afrikaner race. In 1914, South Africa

entered the Great War on the side of Britain and this decision caused further division amongst the White people of South Africa. With the entry of the country into the Second World War the White population became even more deeply divided -- South Africa had acquired a split personality. Evidence of this had already revealed itself in the establishment of two official languages, two flags, and at least two Native policies.

Obsessed with the desire to avenge the "horrors" of the concentration camps and the burning of farms, and to have a language, literature, and culture of their own, the Afrikaner Nationalist movement grew with undreamed-of rapidity between the two wars. By 1948 it had captured control in politics and was thereafter the paramount force in South African government.

The belief at Union that the liberal views of the Cape would prevail and dominate the political arena in South Africa proved an illusion. As Afrikaner Nationalism became an instrument of "cultural defence against the English and racial defence against the natives" (19), we see the ideas of the Voortrekkers, which prompted the Great Trek and the establishment of the Republics, permeate every aspect of human relationships in this country.

CHAPTER TWO

SOCIAL CHANGE

The incorporation of the Native population as a cheap labour force, but segregated by political rightlessness and severe social discrimination is the single most important key to an understanding of all subsequent social and economic developments. (20)

The twentieth century marked South Africa's coming of age. With the discovery of precious metals and the growth of industry she passed out of the pioneering stage, changing a subsistence to a money economy, in which agrarian pursuits gradually made way for industrialism. During this process of upheaval and radical social change the Native relinquished his independent rural existence for one of dependent urban living. He ceased to be master of his own fate as he became drawn into the economy of the White man and an important asset in the field of labour.

Until late in the nineteenth century, and prior to the growth of mining and industry, the territory that is now the Union of South Africa had a rural, self-sufficient economy. Land was the only resource exploited; wealth and political power depended on the ownership and control of land. All the Natives and most of the Whites relied on land for a living and except in the area around Cape Town a wage-earning economy was not general. The individual Afrikaner's knowledge of the business and commercial world was confined to the "smous" who made periodic visits to the farms to sell his wares. Such South African exports as there were at that time were mainly pastoral products and the way of life of the pastoralists was not greatly influenced by changes in the outside world.

The finding of the first diamond, near Hopetown, heralded South Africa's Industrial Revolution; the diamond fields of Kimberley became the country's first embryo industrial community. A new era supplanted the old order of things as South Africa wrestled for the first time with the problems of labour and capital and all the difficulties

accompanying them.

The discovery of the great gold-bearing reef on the Witwatersrand in 1886 overshadowed earlier gold discoveries at Barberton and Lydenburg, and produced a social and economic upheaval of far greater magnitude than that which the Griqualand-West diamond mines had initiated. Overnight the fortunes of the all-but-bankrupt Transvaal were changed as an aggressive and incompatible crowd of new-comers swarmed to the gold mines. In the midst of a rural Boer community, on the barren veld of the Witwatersrand, an industry of world-wide importance sprang up. Johannesburg, today a modern city with a population nearing a million, mushroomed out of huddled tents and shanties. Gold and diamonds became the yardstick for measuring national prosperity, and South Africa was securely set on the path of industrialization.

Economic expansion in South Africa, however, moved slowly at first. It was only after the Anglo-Boer War, when mining activity increased tremendously, that the pace of South Africa's economic development was quickened and mechanization became the order of the day. Until 1870 transport was dependent upon roads and the ox-wagon; except for brief stretches in Natal only sixty-three miles of railway existed between Cape Town and Wellington. It soon became evident that to supply the mining areas with essential equipment and food, and to make the organization of the industry efficient, adequate and satisfactory transport was a primary need. To meet this the building of railways was greatly accelerated, and the interior of the country was soon linked with the coast.

The extension of railways, the discovery of rich coal deposits at Witbank (21), and the setting up of electric power stations, meant that cities and towns sprang up in these areas to accommodate the rapidly-growing army of urban workers.

An increasing population and the requirements of the mining industry led to the establishment of important secondary industries. The two World Wars gave impetus to the development of mining and particularly to secondary industry -- for instance, when during the last war imports were greatly limited, further secondary industries were started locally. Manufacturing developed on such a scale that it soon outstripped both agriculture and mining in importance in contributing to the national income. This growth of manufacturing industry was largely instrumental in bringing about the growth of a permanent urban Native population, for, unlike the mining industry, manufacturing concerns could not function satisfactorily on the low efficiency and periodic turnover of the migrant labourer. They required a more permanent type of employee.

Accompanying the growth of urban centres was an ever-increasing demand for farm products. This resulted in the extension of the agricultural industry on a commercial basis; a transition further fostered by improvements in transportation, developments in refrigeration, and the introduction of more scientific methods of farming.

Each fresh development in the field of mining and industry generated an enormous demand for labour, both black and white. With the exception of Coloured and Malay craftsmen at the Cape who had in any case not acquired skills in

the technological field, the only trained workers in South Africa at the time were wagon builders. Skilled labour for the mines was at first imported from Europe and the United States, and became the monopoly of the White man. It was, however, the low-paid unskilled Native labour force that was of vital importance to the economic expansion of South Africa. It was this labour, working under the supervision of the skilled White man, that did the pick-and-shovel work on the mines and the menial tasks in the manufacturing industries; built the railways, roads, and bridges; and laboured on the farms.

Thus hand in hand with the whole process of industrialization went the incorporation of a cheap Native labour supply, the incorporation into the wage-earning economy of the towns of a community that was by custom and tradition essentially rural. A cheap, convenient, and plentiful reservoir of black labour was an asset that required jealous guarding, ruling out as it did the necessity of importing unskilled labour. The fact that the sugar estates of Natal had become dependent on imported Indian labour and that Chinese labourers had been brought into the country to work on the gold mines had not been forgotten. It thus was important to encourage the ready-made labour force of indigenous Natives to abandon its rural life and enter the world where money, not barter, was the form of exchange. This movement, which began slowly, gathered momentum and today the Native is firmly entrenched in the economic life of South Africa.

Agriculture, mining, and manufacturing industries

have been built on a foundation of unskilled black labour and while the Native has become an indispensable and most vital cog in the economic life of South Africa, consistent industrial expansion has meant an ever greater dependence by the White man upon cheap readily available Native labour.

An interesting feature of South Africa's economic development was the fact that industries did not originate in those areas that were at the time the more densely populated, but in those parts of the country where particular resources were located. Thus, following the discovery of the gold mines of the Witwatersrand, towns grew up and industries were established along the Reef.

Migratory labour is a term used to describe a class of worker which moves in search of employment from one place to another. The influx of both Whites and Natives from rural to urban areas is a significant socio-economic characteristic of the twentieth century in South Africa. Although primarily in this study interest lies with the Native, reference must in this connexion be made to the White man because his urbanization has played an important political role in the history of the country and has influenced legislation affecting the Native.

A typical feature of industrialization and economic expansion in many Western countries has been the development of a migrant labour force which is eventually permanently absorbed into urban communities. In South Africa, however, the process, where the Native is concerned, has developed many paradoxical characteristics. Although the legislation of the country controls his entry into the towns and

restricts his permanent urbanization, for many years he was never wholly divorced from his rural and tribal existence. Nor did he wholly accept urban life or show evidence of a clear-cut transition from life in the reserve to that of the town, although the process of migration, begun on a small scale, became in time a veritable flood.

The industrial growth in South Africa was responsible for the migration of both Whites and Natives. The Whites included skilled workers, settlers and businessmen from overseas as well as native-born persons who had been agriculturalists and who, because of rural poverty, drifted to the towns in search of employment. The Natives on the other hand were primitive tribesmen from the reserves entering a totally new world -- a world with strange languages, strange customs; with unfamiliar social, economic, and political codes.

Largely because of the Afrikaners' system of inheritance of farms by equal shares, many White families were in time limited to a few acres of ground on which to make a living. This led to rural poverty and the subsequent emergence of the "bywoner" who, having been a product of self-sufficient farming, could not compete with more progressive farmers who were applying modern agricultural methods. The prosperous farmer soon found himself in a position of having an abundance of "bywoners" trying to obtain work, so that in this class of labour there was much competition between White and White. As poverty increased and the position of the "bywoner" deteriorated, the more impoverished Whites went in search of work in the cities, mainly to the mining areas. It is at this juncture that the Poor-White problem ceased to

be a rural one and became urban. The Afrikaner had started a new trek, which was to have far-reaching repercussions on the life of the whole country. Over the years White South Africa has become primarily an urban community, and 78.4% of White South Africans are today living in towns.

When the Poor-White entered the towns, two opposing groups met, this time not on the agrarian front but on the industrial frontier. They were two groups with widely differing cultures and customs, groups that spoke different languages and were of different races. Indeed the only point at which they showed similarity was in their lack of skill and training. A real problem faced South Africa for the Poor-White found that the black man had already established himself as the unskilled worker in the towns and was prepared to sell his services at a very much lower rate than the white man. The newly urbanised Afrikaner was now in competition, no longer with white men but black, whom traditionally he feared and resented. This fear and the desire to preserve the supremacy of the White race were instrumental in making South Africa's political leaders erect barriers against the mobility and life of the black man. Had the Poor-White not entered the industrial world of the towns when he did, the story of South Africa might have been different -- and perhaps not one in which economic necessity became subservient to the desire for White solidarity and prestige.

If migration to the towns implied many changes in the former way of life of the White man, it meant even greater changes in the life of the Native. A wage-earning economy was unknown to him, and the idea of employment in return for

money played no part in his social life. The lure of money was not at first an adequate attraction to ensure a consistently steady flow of cheap Native labour to the mines. This labour had to be induced and persuaded to enter the White man's economy. Labour agencies established throughout the Transvaal recruited Native labour for the mines, and the taxes levied on the rural Native became an indirect means of compelling him to go to work in the cities. In the reserves, cattle and land were his only source of wealth. They were primarily an outward sign of prestige and did not provide him with the means necessary to meet his taxes, for which he had to earn cash. Gradually it became a recognized custom for Natives to leave the reserves and go to the urban areas for varying periods to earn money to meet their obligations. For many years this work was regarded by them as temporary, but in time more and more settled permanently in the towns.

At the same time that there was an ever-increasing demand for Native labour, very little was being done to expand and develop the reserves. Coupled with this lack of development, the wasteful and backward methods of farming, and the slow purchase of land for the Natives following the passing of the Natives Trust and Land Act (No.18 of 1936) the reserves became more and more inadequately equipped to provide for the food needs of the growing Native population. They became so overpopulated that many Natives found themselves deprived of land rights. They looked to the towns as a means of escape and with the hope of a permanent home there. They turned to the White man's economy to obtain incomes to support their families and meet their commitments. (22). Through his contact with town life his horizon of wants and

desires expanded and he was spurred on to work for the commodity that would satisfy these needs -- he became aware of the value of cash. At the same time his visits to town added to his prestige and status within his home group.

This whole process of urbanization -- this integration and absorption of the Native into the economy of the White man, this acceptance of the ways of the Western World and the subsequent breakdown of established customs, laws and mores of tribal life -- has given rise to many social problems. Its effects on the family life of the Native have been particularly deleterious and it has greatly altered the role of tribal affiliations in the life of the Native.

In "Problems of Urban Bantu Youth", Ellen Hellman writes:

The individualism of the family -- now beginning increasingly to show itself in marked form in individuals too -- is one of the major differences between urban and rural Bantu. (23)

The pattern of family life under urban conditions presents a very different picture from that of the tribe. Tribal life is essentially based on kinship where every man has a recognized status in the community and where all the members live uniform lives. In his social relations in the town the Native enters an individual, anonymous, society to which he must adjust and reorient his life. On moving to an urban centre, Natives live wherever they are able to find accommodation so that kinsmen become separated from one another and the Native finds himself in an enlarged social life which demands social relations with Whites, with other persons of

colour, and with Natives belonging to other tribes.

The tribe is merely an extended family system functioning on a co-operative basis. All family needs are supplied within the tribe and all land is held communally, with each family unit apportioned a share by the chief. Town life demands that the Native should enter into other sets of socio-economic relations which cut across tribal lines and quietly but effectively snap them. With the growth of permanent urbanization we have witnessed the collapse of tribal traditions and institutions as a generation of Natives has been born and bred in the towns knowing no other community but that of urban society.

As a result of this drift to the towns the reserves have become drained of the able-bodied male population up to late middle-age, a population whose services are vital for the full development of the Native areas. The remaining members of the family are thus called upon to cultivate the lands, care for the cattle, and at the same time maintain the solidarity of the family unit. Children are deprived of paternal authority and family life becomes insecure during lengthy absences of men from their wives. In the cities men are concentrated in "unnatural" environments such as mine compounds. This undermines the moral outlook of the Native as he finds himself with "no women, no children, no family life". (24) Moreover, the unequal distribution of sexes in the towns gives rise to what Malthus would have called "unwholesome practices". There has been a marked growth in Native prostitution. Much time is often spent in search of work and, together with the enforced idleness that accompanies

change of work, the migratory labour system tends to be wasteful and uneconomic, besides leading to the instability of Native society and, indirectly, of the whole community.

The Native has shown in the past twenty years a very definite preference to sell his labour on the markets of manufacturing industry. Although the wages offered in this field are not necessarily higher than those of the mines, these industries do offer to the Native some possibility of enjoying family life -- even if it means family life under congested overcrowded conditions in a shack.

This migration of the Native family to urban conditions meant the birth of a new society -- a society that foreshadowed the decline of the tribal system and the acceptance of Western standards. His often squalid town existence is to the Native merely a period of transition, a process of social change as slowly, steadily, surely, he is drawn into the white man's world. De Kiewiet brilliantly states this point:

The truest optimism in South Africa is in the crowded, disease-ridden and crime-infested urban locations. They represent the black man's acceptance of the new life of the western world, his willingness to endure a harsh schooling and an unequal apprenticeship in its ways. (25)

The rapid urbanization of the Native population created a very grave housing problem. The Native, when entering the town, if not provided with accommodation, set about constructing his own crude shelter with whatever materials he could obtain. His pondok was erected, generally illegally, on the outskirts of the urban areas and soon large shanty towns sprang up on the fringes of most

cities in the Union.

With the passing of the Natives Urban Areas Act (No.21 of 1923) preliminary efforts were made to deal with the problem and the Government showed clearly that it aimed at regulating the growth of an urban Native population. The Fagan Commission, appointed in 1946, reported in 1948 that South Africa must appreciate the fact that she had acquired a permanent Native urban population.(26). Still later the Tomlinson Commission (27) revealed that, notwithstanding legislation controlling and restricting urbanization, the demand for labour and the terrific growth in secondary industry resulted in more and more Natives drifting annually from the reserves and settling permanently in non-Native areas. For this reason the Commission commented that South Africa's early segregation policy had never been fully implemented.

This steadily-growing population movement was seen by many as a threat to White South Africa. The adaptation of the Native population to the new and wider horizons of the Western World led to a new political awakening among them. As far back as 1912, at a conference of chiefs and representatives of the Native people, the vision of the emergence of a united nation was sketched. At the same conference the organization later to become known as The African National Congress was born. In the words of J.K. Ngubane:

This new awakening symbolised the ideal of equal citizenship in a Union where merit and not race was the standard by which to assess the value of the individual in the life of the nation. (28)

The Native mind was further stimulated by every new contact with the Western World, from which he could no longer isolate himself. Many acquired education in freedom of thought while serving in the armed forces during the Second World War. They heard the concept of equality and freedom ratified by Article 2 of the Atlantic Charter:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, property or other status or national or social origin. (29)

In concluding this survey of the structure of modern economy as seen today in South Africa, it is necessary to refer once more to the Poor-White problem. Fear of the Native replacing the White man in the unskilled field of industry grew to immense proportions and by the 1914-1918 War had spread beyond the mining industry. By 1930 the ratio of urban Poor-Whites in the Union had increased alarmingly. (30)

Although the Poor-White problem was well established before the Anglo-Boer War, it was only after this war, when Poor-Whites were engaged by the Central South African Railways as labourers, that reference is made to an official White Labour Policy. This policy was carried out on a very modest and almost half-hearted scale until 1924 when the coalition between General Hertzog's Nationalist Party and the Labour Party took over the government of the Union. This Government saw the Native as a menacing threat to Afrikanerdom and realized that if equality was the accepted policy in South Africa's economic world then social equality would undoubtedly follow. It could not reconcile itself to this idea and pledged itself to safeguard the future of the Afrikaner.

This pledge was translated into action by the introduction of a Civilized Labour Policy. Immediately the lot of the Poor-White was improved, for this policy gave protection and encouragement to White labour in South Africa. It offered to the unskilled White worker employment in an artificially sheltered labour market. Employment in all Government Departments, in the Railways and in road-making, as well as in private concerns, was offered to him on a wage basis not commensurate with his ability and productivity but on a level that was considered consistent with the standard of living acceptable to a White man. So, although the White unskilled worker might do exactly the same work as the Native, his social position was guaranteed because of the artificially fixed wage rate he received.

This policy which was introduced to defend the privileged position of the White unskilled labourer laid the foundation on which economic expansion in South Africa has been based. White solidarity and prestige coupled with racial discrimination became the basic accompaniment of modern economy with economic laws playing a secondary role.

The whole economic picture of modern South Africa may be likened to a great pyramid which has been built on the doctrine that skill and high wages are the monopoly of the White man with unskilled work and low wages allocated to the Native. This pyramid has a solid base of unskilled cheap labour with a handful of skilled workers at the apex. It is true that most modern industrial communities would present this picture, but in South Africa this pyramid has significant features not found elsewhere, except perhaps in

the Southern States of America where it is, however, now rapidly being changed. Normally between skilled and unskilled grades semi-skilled occupations are to be found, and, through learning and ability, the unskilled man may rise in the occupational scale. South Africa's doctrine of race discrimination restricts mobility of labour. It has become accepted that black labour can undertake only the unskilled work, whilst skilled work remains the prerogative of white employees. The White man is protected against black competition and at the same time the Native cannot graduate to a higher position on the work pyramid. The division is not between brains and muscular strength but between white and black.

Supporting and re-inforcing this economic pyramid is the discriminatory legislation of South Africa which assigns to the Native a less privileged status economically, occupationally, politically, and in other ways. This must now be considered in more detail. Chapter Three concentrates on a discussion of the political setting of urban Native life. Reference is made in Chapter Four to the meaning of law, while Chapter Five considers the legal definitions of the Native group in South Africa.

CHAPTER THREE

POLITICAL SETTING

All Union Politics are Native Affairs. (31)

Politically South Africa is without
dispute a White man's country. (32)

When Union was established in 1910, a common Native policy for the four Provinces was regarded as a sine qua non. But what this policy was in fact to be was not so easy to agree on; since 1910 the "Native question" has been South Africa's chief political problem. This problem, requiring as it did the adjustment of constantly changing relations between white and black in South Africa, has been subject both to considered thought and careful investigation.

The development of South Africa's Native policy from 1910-1958 took place in a period influenced by political strife, changing economic trends, and historical pressures. On the one hand, Afrikaner nationalism played a dominant role in shaping Native policy; and on the other, the growth of African nationalism strongly influenced the attitudes of the White man towards the Native.

South Africa's parliamentary system is based on the assumption that the government shall be by White men only. Since Union, all the leading political parties have aimed primarily at maintaining and entrenching the exclusive political power of the ruling White minority group over the majority non-White group. Without exception every government has been against the dilution of White political representation by the non-White. Despite political schisms within its ranks, the White group has maintained its superiority.

FRANCHISE

The question of the right to vote is the hinge on which the South African political framework swings. In

Parliament, while the Whites in exercising the vote are treated as individuals on a geographical basis, the non-Whites are handled as a politically homogeneous unit.

Prior to 1910 the position with regard to the Native franchise differed in the four Provinces. In the Republics the doctrine that there should be no equality between black and white either in Church or State was not merely a matter of tradition but of law. The 1858 Grondwet van de Zuid-Afrikaansche Republiek or the Constitution of the South African Republic, formed the basis of the Transvaal Republican administration. In terms of this Constitution there was no equality of black and white and all burgher rights were confined to Whites. The qualifications to vote were that the voter had to be white, male, and 21 years old. No franchise rights were to be given to non-Whites who were also excluded from holding any public office. (33)

Following the Bloemfontein Convention of 1854, the Orange Free State Republic forbade any person of colour from holding land or acquiring rights as a free burgher. Through these provisions the non-Whites were indirectly excluded from the voters' roll and never enjoyed political rights.

Although when, in 1843, Natal became a British possession it was expressly stated that both black and white would have equal political status and no differentiation would be made on the basis of colour, this was never the case in practice. We can trace a definite tendency on the part of Natal to accept the colour bar policy of the Transvaal and Free State Republics, although exclusion from voting was not as specific. The Natives in Natal were permitted to have

their names on the voters' roll but this right was subject to such conditions that it was of limited effectiveness. The same property qualifications necessary to acquire the franchise were, in theory, imposed on all sections of the population, but subject to such conditions that in practice they were all but inaccessible to the Native. Only three Natal Natives had ever been enfranchised. Indeed, in Natal prior to Union, black and white never enjoyed political equality; its Native citizens were in effect as voteless as those of the two northern Republics.

A characteristic of the pre-Union position regarding the Cape franchise was the fact that race and colour did not qualify or disqualify a male from any political office or from the right to vote. Subject to an educational and property qualification the franchise was extended to all male adults who were British subjects. Rhodes had always visualised "equal rights for every civilized man south of the Zambesi" and his influence is seen in the Cape constitution with its absence of colour distinction. A civilized man was, in his opinion, one who had certain educational qualifications, owned property, or was in honest employment. Civilization was not dependent on pigmentation of the skin.

With the granting of representative government to the Cape in 1854, the franchise was available to all male adults and there was no colour bar written into the constitution. This was due to the influence of the British Government which would not at the time have tolerated a franchise that was subject to colour or race differentiation. In 1872 the Cape was granted full responsible government, but laws passed in

Cape Town were still subject to British parliamentary veto. The British Government clearly showed that it was against any change in the constitution which might lead to the introduction of a franchise dependent on the colour of a man's skin. Twenty years later, when the Transkei was annexed to the Cape, the qualifications upon which the franchise was based were raised to exclude the tribal Native until such time as he had been weaned from tribal life and had absorbed Western culture. The educational and property qualifications necessary for the political franchise at the Cape were such that the numbers of non-White voters at the Cape remained small and kept pace with the slow process by which the Native became urbanized. In this way the political power of the non-White was limited and at the same time the idea of a common electoral roll became an acceptable one to the White citizens of the Colony.

The qualifications for a voter in the Cape were that he had to be male, literate, owning fixed property to the value of £75, or earning a salary of not less than £50 per year. The Cape voter not only had the right to vote, but, subject to the necessary qualifications, he could serve as an elected or nominated representative. These rights were looked upon by the Native as symbols of common citizenship.

When the National Convention met in 1909 to prepare for Union, it was decided that the existing franchise laws of the Republics, Natal, and the Cape, should be left as they were.

Due to the fact that the Boer Republics and Natal were not prepared wholly to accept the liberal franchise and political practices of the Cape, the latter Province agreed

on a compromise that would withdraw the right of Natives (and Coloured people, including Asiatics) to sit in Parliament. Thus by the South Africa Act, non-Whites were debarred from becoming members of the Senate or House of Assembly. As a compensation for this loss of political power, provision was made that four of the Senators should be chosen for their experience with, and thorough acquaintance of, the needs and desires of the non-White races in South Africa. The South Africa Act aimed at all Natives of the Union indirectly electing seven members to have full Parliamentary powers. Natal, in order to fall into line with the Transvaal and the Orange Free State, agreed not to accept any further Natives (or Asiatics) for registration as voters.

To safeguard the Native vote in the Cape at Union it was entrenched in the South Africa Act that only by a two-thirds majority of all members of both Houses of Parliament sitting and voting together could the Native lose this right or could it be altered. The Cape Native voter had thus one political right, namely the vote, entrenched and safeguarded by an Act of Parliament.

From 1910 a long struggle over the Native franchise ensued, culminating in the passage of the Representation of Natives Act (No.12 of 1936). This Act was passed by a two-thirds majority of both Houses sitting and voting jointly. General Hertzog was Prime Minister at the time. It must be recalled that prior to 1936, the enactment of certain laws had minimised the political power of the Cape Native voter. The Women's Enfranchisement Act (No.18 of 1930) conferred the vote throughout the Union on all White women aged 21 years and

over. They could be nominated and elected as members of Parliament or Senate. All non-White women were excluded from the operation of this Act. The Franchise Laws Amendment Act (No.41 of 1931), extended the franchise in the Cape to every male person over 21 and abolished the property and educational tests previously in existence. Non-Whites, however, were not exempt from these qualifications. Through the passing of the Electoral Law Amendment Act (No.30 of 1958) the extension of the franchise to the eighteen-year-olds has still further extended the political power of the White man. (34)

The passing of the Representation of Natives Act (No.12 of 1936), came about following the political compromise to place the Native voters on a separate electoral roll. Under the terms of the Act the Cape Native voters, though retaining their vote, were removed from the common electoral roll and placed on a separate one. Only in the Cape were the Natives directly represented in Parliament by White members of Parliament elected on the separate voters' roll. Under the Act, four White Senators were elected indirectly for five years by all the Natives of the Union, through electoral colleges composed of chiefs, Native Councils, and Native Advisory Boards. The terms on which a Native could qualify for the Cape roll remained the same as during the pre-Union period.

In 1948, Dr.Malan, as Prime Minister, stated in Parliament, with regard to Native representation there:

If you want to know what the positive side of our policy is, let me put it this way

just briefly. In the first place, if we are going to take away anything from the natives -- and it is our intention to take away the representation which they enjoy in this House at the moment -- then we want to give them something else which in our opinion is better for them, in other words, to call into being institutions for them in their own reserves, and to promote and further develop institutions of their own which will enable them to have a large measure of self-government and which will enable them at the same time to retain their own national character. (35)

This proposal was implemented when, on 30th June, 1960, in terms of Promotion of Bantu Self-Government Act (No.46 of 1959) the three White members of Parliament representing the Cape Natives relinquished their posts in the House of Assembly.

ADMINISTRATIVE MACHINERY

As a preliminary to a discussion of the respective Government Native policies in the period 1910-1958, it might be useful to sketch briefly the Union's administrative machinery for controlling Native affairs.

Prior to Union, the Transvaal, Orange Free State, Natal, and the Cape, each had its own Department of Native Affairs. As more Native territories and increasing numbers of Natives came under the rule of the White man, the Governor (or President, in the case of the Republics), became known as the "Supreme Chief of the Bantu" and took on the duties of a Supreme Chief under Native law and custom. Unlike the three other Provinces, the Cape, which was trying to break down the power of the chiefs, did not absorb the headmen in the administration of Native Affairs.

The formation of Union did not change the existing

principles of Native administration except that the Governor-General took over the position previously held by the different Governors and Presidents. While he acted as the figure-head, his Minister of Native Affairs became responsible to him for administration and management of the Native Affairs Department.

By the Native Affairs Act (No.23 of 1920), a Native Affairs Commission was created and in terms of Section 16 provision was made for holding periodic conferences of Native leaders for the purpose of placing any grievances of the Native population before the Government. These conferences were merely advisory and the possibility of holding them regularly turned out to be short-lived, for General Hertzog, on becoming Prime Minister, abolished this provision which had been introduced by his rival, General Smuts. He anticipated, however, the transformation of these conferences into an established Union Native Council.

The Native Administration Act (No.38 of 1927), was an important milestone with regard to departmental and inter-departmental co-ordination. The Act, which provided for the better control and management of Native affairs, introduced a more uniform system of Native administration. Particularly, it recognized Native Law in the Union, and provided for the establishment of special Native civil courts. It also provided for governmental control and administration in the reserves along lines totally different from those applying to the rest of the country.

The Representation of Natives Act (No.12 of 1936), made provision for the establishment of a Native

Representative Council, an advisory body of 22 members. This body was, however, abolished fifteen years later by the Bantu Authorities Act (No.68 of 1951), and in its place tribal, regional, and territorial authorities composed of hereditary chiefs, head-men, and councillors were established. The Native Affairs Department, described by L.Marquard in his "Peoples and Policies of South Africa" (36) as imperium in imperio, has during the period under review played an ever-increasing part in the administration of the Union's Native affairs. While among Whites the various Government Departments deal with different facets of White life, the Native Affairs Department appears as a type of omnibus department charged with administering all aspects of Native life. From time to time the scope and responsibility of the Department has been extended so that almost dictatorial powers have now been vested in the Minister of Native Affairs. In South Africa today, rule of Natives by regulation and proclamation is a common and accepted feature of our Government. In 1958, the Union Department of Native Affairs was re-named the Department of Bantu Administration and Development and a separate department of State, the Department of Bantu Education, was established to administer the Bantu Education Act (No.47 of 1953).

PRE-UNION NATIVE POLICY

Native policy had, prior to the turn of this century, commanded limited official interest. At the time of Union each of the Provinces had evolved a Native policy that was characteristically its own, although each was influenced by the idea that the privilege of land-ownership was essentially the prerogative of the Whites and the duty of labour belonged

to the Native.

Further uniformity in early Native policies did exist in so far as the authorities evaded the acceptance of any responsibility for the administration of the Native population and in so far as frontier Native policy did aim at the separation of white from black and the protection of the White man against attacks from the Natives. In referring to the frontier Native policy, the Secretary of State for the Colonies said it sought, "to set up a bar of separation between the Caffres and the Colonists". (37)

The early twentieth century brought to light the inadequacy of the Native reserves to provide for the needs of their populations. As these areas became reservoirs of labour for the towns and the White farms, a problem that until the end of the Boer War had been more or less ignored began to appear as pressing, complex, and bristling with difficulties. Scientific investigation seemed to be called for in the framing of a uniform Native policy.

Although the Transvaal Republic officially recognized its Native population and although it was faced with the task of administering the numerous Native tribes within its borders it did not clearly formulate an adequate or practical Native policy. With the annexation of the Transvaal by Britain in 1877, a Department of Native Affairs was established, ostensibly to deal with the administration of the Transvaal's Native population. Following the gaining of its independence after the First Boer War, and in terms of the Pretoria Convention of 1881, the Transvaal established a Native Location Commission, the purpose of which was to provide the Native

tribes with locations and to hold in trust for Natives such land as they might purchase. This Commission did good work but many Natives were left unprovided for.

According to the Sand River Convention of 1852, no "slavery" was to be tolerated in the area north of the Vaal. Paradoxically, however, the Grondwet permitted of no equality of white or black either in State or in Church. In terms of Law No.4 of 1885 of the South African Republic, provision was made for the better control and administration of justice over the Native population of the Republic. The President was the Paramount Chief of the Native population, and the law accepted the principles of differentiation and subordination. By Law No.4 of 1885 an office of the Superintendent of Natives was established and specially trained officials were appointed as Native Commissioners to administer large concentrated sections of the Native population. (38)

The Orange Free State is the one Province that can hardly be said to have had any pre-Union Native policy. This came about primarily because, apart from the Natives employed by Whites, the Free State had no large surplus Native population requiring special administration. When this Republic gained its independence in 1854, it had three small Native reserves and the Natives that moved in from adjacent areas settled for the most part on White farms and thus fell under the jurisdiction of White Magistrates who treated them justly, but on the principle of complete social, religious, economic, and political subordination. The policy of successive Free State Presidents was to keep Free State territory and Native territory "apart", and the chief energies of the

Free State Government concerning Native affairs was directed at establishing and preserving the boundaries between the two.

In terms of the Free State Republican Constitution, persons of colour were debarred from acquiring rights as free burghers or holding land. Non-Whites in the Free State have ever since been consistently excluded from the voters' rolls there. Native Reserve Boards under White chairmanship were established in 1907 for the purpose of handling matters concerning the Native population and of levying a location tax on each male in the reserves.

The pre-Union Natal scene is dominated by the figure of Sir Theophilus Shepstone who arrived in 1845 and was in charge of Natal's Native affairs for 30 years. The defeat of Dingaan on 16th December, 1838, bequeathed to Natal the task of controlling a Native population that overwhelmingly outnumbered the Whites. As Brookes in his "History of Native Policy in South Africa from 1830 to Present Day", states in referring to Natal at this time:

here for the first time we have a body of South Africans in a position to frame their own Native Policy. (39)

The Natal system of Native administration was essentially based on the re-creation of the tribal system and the development of the Natives according to their own ability. Shepstone had the welfare of both the Whites and the Natives at heart. Because of the great diversity in culture of the two races he considered that the Native should develop along

his own distinctly Native lines but this development should be in the interests of the Colony and in such a way as not to clash with White interests. Tribal Law was codified and recognized as long as it was not in conflict with the White "requirements of justice".(40) This law was administered by Native Commissioners with appeal to the Native High Court. All criminal cases and cases in which Whites and Natives were involved were dealt with by the White courts.

In implementing his segregation policy, Shepstone aimed at establishing eight reserves. In these he re-created the tribal system under White supervision. It is interesting to note that in an effort to promote harmonious relations between Natives and Whites it became traditional in Natal for every White man to learn the Zulu language.

Natal's Native policy proved most influential when, after Union, efforts were made to assimilate the policies then in existence in the four provinces. Indeed the pre-Union Natal Native policy was destined to become the cornerstone of the political life of the Union of South Africa for it was Shepstone who had introduced a system of government which we today know as segregation.

The history of early Cape Native policy is notable for evidence of assimilation in the political sphere, for race or colour neither qualified nor disqualified a man for political office. Just as Shepstone's name is closely linked with Natal's Native policy, so in reviewing the Cape we recall particularly the name of Sir George Grey.

With regard to its Native population the passing of

the Glen Grey Act (No.25 of 1894)(Cape of Good Hope) was the most advanced move taken in fifty years of the Cape's history. The district of Glen Grey in the Ciskei was an area chosen for an experiment in detribalization and the transformation of the existing Native system of communal land tenure to a gradually introduced system of individual land holding. The area was surveyed and the ground divided into arable and grazing areas. While the former were partitioned into individual holdings based on the principle of "one man one lot" with the guaranteed protection against White encroachment, the latter were for communal usage. By means of the assimilation of White methods, civilization, and Christianity, the aim of the Act was to bring about an eventual complete transition from tribal existence. The Natives were given a share in their local government by the provision of a system of local Native Councils in the Glen Grey area. Delegates from these Councils met in district councils under the chairmanship of a White Magistrate. By proclamation the terms of the Act were extended to parts of the Transkei and until 1911 this system of individual land tenure was extended in all to seven further districts. Because of the inadequacy of land this Act did not prove the success it might have been.

The Cape Native policy definitely aimed at development along White lines; Native law, though recognized and administered in the courts, was never formally codified. While Natal aimed at control of the Native, the Cape aimed at his civilization and acculturation. The Cape policy anticipated the replacement of the chief by the White magistrate. The goal held out to the Native was that he should become as much like the White man as possible, for the Natives' laws and

institutions were not consistent with those of a civilized community.

In discussing the Glen Grey system of individual land tenure the Native Affairs Commission of 1910 states as follows:

The Glen Grey Act 25 of 1894, and the Transkeian Proclamations developed from it constitute the best adaptation of the European system of rigidly defined individual allotments to the requirements of the Native people. (41)

Speaking generally of the position prior to Union with regard to the acquisition by Natives of land outside the reserves, it can be said that Natives were limited rather by their ability to pay for land than by legal restrictions. This applied in Natal and the Cape. By the Pretoria Convention of 1881, Natives in the Transvaal had the same right but it had always been the practice that any land they bought should be held in trust. By a decision of the Supreme Court made on 4th April, 1905, in a Case Tsewu vs. Registrar of Deeds however, the Native's claim to hold land in his own name was recognized. There was, however, a limitation in certain areas of the Transvaal proclaimed under the Gold Law. In the Free State, Natives were prohibited from purchasing any land outside the area of Thaba 'Nchu.

THE PERIOD 1903-1910

The 1881 Report of the Natal Native Commission and the report of the Native Laws and Customs Commission (Cape) of 1883 (G4. of 1883) were important steps in the understanding of Native life and custom. (42) It was not, however, until the report of the South African Native Affairs Commission

(1903-1905) that efforts were made to devise a uniform Native policy, and suggestions were advanced with the view to strengthening and unifying legislation. The Commission advocated the principle of territorial segregation of the White from the Native races and recommended that legislation should define the particular areas in which Natives could purchase land. The Commission was against the unrestricted purchase of land by Natives which they considered might lead to tribal, communal, or collective occupation and was critical of the squatting of Natives on White farms.

Although the report of this Commission went unheeded for a long period, it was actually on this report that the Natives Land Act (No.27 of 1913) was based.

THE BOTHA REGIME, 1910-1919

The first Prime Minister of the Union of South Africa was General Louis Botha who remained in office until his death in August, 1919. Botha, in an effort to bring about a truly united South Africa, established the South African Nationalist Party and aimed at a policy of conciliation between Englishman and Afrikaner. He felt that only through co-operation could South Africa become great. General Smuts and General Hertzog both served in Botha's cabinet; because of Hertzog's dissatisfaction with Botha's language and immigration policies, however, he resigned from the Botha Cabinet in December, 1912. As a result of this break we have the birth of the present-day Nationalist Party,

basing itself, in the first instance at least, very definitely on an appeal to a distinctly Dutch national sentiment, and emphasizing by the very fact of its existence, that the attainment of national unity was still in the future. (43)

While Hertzog aimed at a unity, with the Afrikaner playing the dominant role, Botha and Smuts visualized a racial unity that was dependent on the co-operation of the two White races.

It was the South Africa Act, 1909, which brought into existence the Union of South Africa and at the same time was the first Union legal enactment to introduce segregation. This was laid down in those provisions that placed certain restrictions on non-White parliamentary privileges. Apart from these provisions, the Act embodied no comprehensive Native policy and although the need for such a policy was often quoted as one of the reasons for Union, little that was concrete was done about it at the time. The constitution merely assimilated the various Provincial racial policies and endeavoured to perpetuate these somewhat irreconcilable differences.

General Botha, in introducing the Natives Land Act (No.27 of 1913) gave effect, if only partially, to the views of the 1903-1905 South African Native Affairs Commission and took the initial step in the practical application of the principle of territorial segregation. With the exception of urban areas, the Act applied throughout the Union. This Land Act, which was originally intended as a temporary measure, aimed at a uniform and stable land policy and at drawing a distinct line between Native and White. It set out to define clearly the balance between white and black settlement throughout the country. It made it illegal for Natives or Whites to own land outside certain specified Scheduled Areas and aimed at putting a stop to "Kaffir farming" and the resultant cohabitation of white and black.

It was appreciated that if this policy was to be carried out the Natives would require more land, for otherwise Native ownership would be confined to the existing reserves which were then already grossly overcrowded. To investigate the possibility of acquiring additional land the Beaumont Commission was set up to decide what areas should be demarcated for Natives and Whites. A Bill embodying the recommendations of this Commission was presented to Parliament in 1917, but was not accepted. There followed the appointment of five local committees to investigate the problem and revise the areas proposed. Finding the necessary additional land involved the expropriation of White farms which resulted in great public opposition. The five local committees submitted their proposals in 1918 but, like the previous Commission, their recommendations did not result in legislation. The outcome was that the scheme was dropped and Natives were compelled either to settle in the overcrowded reserves or enter the employment of Whites.

Except for the Land Act, Botha's period in office is significant in that it made no other contribution to Native policy, and 23 years were to elapse between the enactment of his segregation law and the provision of sufficient land to implement it.

Although various commissions investigated the conditions of the urban Native and revealed the danger of a growing Native urban population (e.g. Assaults on Women Commission 1913, Tuberculosis Commission 1914) it was some years before efforts were made to formulate an urban Native policy or even to deal with conditions of Natives living in urban areas.

After the 1914-1918 war the growth of industry and pressure of population brought the question of the urban Native clearly to the fore. While previously the importance of the Native problem had been recognized only by the comparative few, after the War the need for a positive Native policy was more fully appreciated.

THE SMUTS GOVERNMENT, 1919-1924

The death of General Botha ended a great partnership. General Smuts took over the premiership of the Union but his South Africa Party commanded only a very small majority.

In spite of General Smuts's great vision, his qualities of statesmanship, and his ability to see South Africa as part of a greater whole, neither of his periods as leader of his country are marked by a really creative contribution to the Native question or the framing of a comprehensive Native policy.

He became Prime Minister when South Africa was facing a post-war depression with its accompanying economic and social difficulties. Although at the 1921 election the coalition of an enlarged South Africa Party and the Unionist Party ensured a more substantial majority in the House for Smuts, it was becoming increasingly evident that the Nationalist Party was the biggest single political party and was steadily gaining favour. At the same time the Labour Party was increasing in strength. The common desire of these two Parties to make South Africa secure for the White man brought about the defeat of the South Africa Party after fourteen years in office. The 1921 Census had led to the fear that because the Native

population was increasing so rapidly the position of the White population might be seriously jeopardized, so in an effort to avoid splitting the anti-Government vote at the 1924 election, the Labour and Nationalist Parties formed a pact.

1923 saw the first planned attempt to formulate an urban Native policy following the report of the Native Affairs Commission, 1920, and the Transvaal Local Government Commission, 1922, (the "Stallard Commission").

Smuts acknowledged that equality of the races had never been recognized in South African legislation. When talking of the Indian problem he said:

We have never in our laws recognized any system of equality . . . you cannot deal with the Indians apart from the whole position in South Africa; you cannot give political rights to the Indians which you deny to the rest of the Coloured citizens in South Africa. If you touch the Indian position you must go the whole length. (44)

In 1922, the revolt on the Witwatersrand brought the Native question into the forefront of the political arena. The miners struck when the suggestion of putting Natives into certain skilled jobs was made. White mine workers were determined to maintain the colour bar despite the fact that the Mines and Works Act (No.12 of 1911) which aimed at regularising in the Transvaal and the Orange Free State the practice of excluding non-Whites from skilled and semi-skilled employment had been declared ultra vires. Public opinion was averse to granting the Native the same place in urban life and industry as the White man. Such recommendations as those of the Transvaal Local Government Commission influenced both public and legislative opinion. This report declared:

After careful consideration and consultation with the Native Affairs Commission and officials of the Native Affairs Department, your Commissioners have unanimously come to the conclusion, and recommend, that it should be a recognized principle of government that Natives -- men, women, and children -- should only be permitted within municipal areas in so far and for so long as their presence is demanded by the wants of the White population. (45)

The Commission, considering that the intermingling of the black and white races was undesirable, clearly emphasized the fact that the Native was not to be granted the same place in urban life and industry as the White and implied that while the Native's permanent home was in the rural areas the urban area was essentially the White man's creation. The Commission advocated the principle of residential segregation of those Natives required in the urban areas by Whites.

This report formed the basis on which the Natives Urban Areas Act (No. 21 of 1923) was formulated. Like all its subsequent amendments, this Act had as its dominant theme the control of the Native in urban areas, the limitation of the influx of Natives to urban areas, and the provision by local authorities of suitable accommodation for the urban Natives in specially segregated areas. Local authorities were slow to take over these responsibilities with regard to housing the town Natives -- a failure which the 1937-1938 Native Affairs Commission asserted was due to the fact that there was no clear-cut Native policy in existence. (46)

The 1923 urban legislation introduced during the closing years of the Smuts regime clearly recognized and entrenched a policy of residential segregation in the urban areas just as Botha's Land Act applied the pattern of

territorial segregation to the rural areas. But there was still no Native policy that could be regarded as dealing with all aspects of Native life.

THE HERTZOG GOVERNMENT, 1924-1939

The Pact Government with Hertzog at the head took command of South African politics in 1924, and remained in power until 1933 when Smuts and Hertzog formed a coalition and the United Party was born. A year later Dr. Malan broke away from Hertzog to create a "purified" Nationalist Party. Hertzog remained Prime Minister until 1939 when the Party split over the war issue and Smuts then headed the Cabinet. Following this dissolution of partnership the "Herenigde Nasionale of Volksparty" was formed by Hertzog and Malan. This was never a happy union and eventually Hertzog and Havenga resigned to create the Afrikaner Party. It was not until the 1948 election, following a coalition of the Nationalist and Afrikaner Parties, that the United Party was defeated at the polls, and the new Nationalist Party entered the political arena where it has since remained.

Hertzog had always been a keen student of South Africa's race and colour problems and as a member of Botha's Cabinet he had been Minister of Native Affairs. When he became Prime Minister the position with regard to land was very much the same as it had been in 1913. This matter, he considered, called for immediate attention. Then, too, fear of the rising tide of colour and the 1922 Rand strike were factors that had tended to give the White population a sense of insecurity. The Nationalist-Labour Coalition heralded the commencement of a new phase in the protection and

encouragement of White labour in South Africa.

To Hertzog goes the credit of having been responsible for making the first really constructive attempt to formulate a comprehensive Union Native policy. He saw the permanent solution to the Native problem in segregation and during his period of office made a deliberate effort to settle this question finally. For Hertzog, the term White was synonymous with civilization and he considered that to maintain that civilization it was vital that the White man's rule in South Africa should remain dominant and supreme. In "Native Policy in South Africa", he declared:

The Native problem for South Africa is no other than the question as to how the White man shall, to the greater advantage of both Native and European, ensure to himself his national existence and his civilization. (47)

He could never reconcile himself to a policy of equal rights, for he asserted that it would then only be a matter of time before Native rule would be substituted for White, and White civilization in South Africa be extinguished. He considered that any Native policy had therefore to be primarily subject to two salient features -- the necessity for a feeling of goodwill of the White man towards the Native on the one hand, and the permanent entrenchment and security in South Africa of the White man's rule on the other.

Against this background of thought Hertzog drew up his Native Policy and laid the foundations of his plans for tackling the Native problem. On 14th November, 1925, in his famous Smithfield speech, he declared that to implement the 1913 Land Act, the Natives must be granted such ground as had

been promised them under that Act. He advocated that the Native should be trained and guided to handle his own domestic affairs in his own areas and that the formation of Native Councils as set out in the Native Affairs Act (No.23 of 1920) should be encouraged. A fundamental and most interesting feature of his Policy was his distinction between Coloured persons and Natives. In making the clear distinction between Native and non-Native, he maintained that the Coloured people were to fall on the White side of the colour line. His policy of parallel institutions separated the Natives on the one side from the Whites and the Coloured people on the other. He definitely anticipated the incorporation of the Coloured with the White communities, politically, economically, and industrially.

In die geval van die Kaapse Kleurling, het ons te doen met 'n klas van ons bevolking wat in vele opsigte na aan die Europeaan staan; en in haas elke opsig, behalwe kleur, grondig van die Naturel verskil. Hy is ontstaan, en bestaan in ons midde; ken geen ander beskawing dan dié van die Europeaan nie, hoeseer hy ook dikwels daarin te kort skiet; is 'n lewensbeskouing toegedaan, wat in die grond der saak die van die Europeaan is, en nie die van die Naturel nie; en spreek die taak van die Europeaan as moedertaal. Van segregasie kan daar dus in sy geval geen sprake wees nie. (48)

Hertzog wished by his policy of segregation to disentangle White and Native interests as far as it was economically possible. He sincerely believed that segregation was in the interests of both the Whites and the Natives and devoted his life to this cause.

I am convinced that not only for the European but for the Native also the best thing with regard to the possession of land is to separate the Native from the European. (49)

C.M. van den Heever in his biography of Hertzog states:

By segregation he understood that the Natives would have their own defined territories in which the great mass of them would remain. Those who wished to work for the White people could do so, for Native labour was indispensable to White civilization, but he wished to prevent a mixture of the races that would eventually lead to bastardization. (50)

Hertzog believed that political segregation must automatically follow territorial segregation and he aimed at the establishment for the Native of government institutions parallel to the White and at granting the Native limited representation in Parliament.

Having formulated his Native Policy, Hertzog set about establishing the machinery necessary to implement it. In 1926 he presented his Native Bills as a practical application of a general Native Policy. The Policy did not deal only with land matters. Besides formulating a policy of land segregation it aimed at the representation of Natives in Parliament on the basis of segregation and the separation of the Natives from Whites, Coloured people, and Indians.

With regard to political segregation, Hertzog recommended the abolition of the Cape Native franchise. As a compensation for this loss he suggested that by a system of indirect election Native interests in Parliament would be the concern of White representatives. The Bills also emphasized the fact that more land in keeping with the demand of the 1913 Act would be made available for Native occupation. To obtain a change in the Native franchise, in terms of the South Africa Act, a two-thirds majority of both Houses of Parliament sitting and voting together was required.

Hertzog was unable to obtain this majority and so the matter was temporarily shelved.

The 1920's were significant years in that, under the influence of Hertzog, an increased sympathy with the republican tradition developed. It was also a significant period for bringing to the forefront of public thinking the growth of the Poor-White problem. Fear of Native competition and the "Black peril" cry of the 1929 political platform resulted in a clear Nationalist victory in the election of that year. Hertzog was fully aware that nothing had been more effective in stimulating the migration of Natives to the towns than the overpopulation of the reserves and insufficient land for Native occupation.

The Mines and Works Amendment Act (No.25 of 1926), i.e. the Colour Bar Act, entrenched economic segregation. Natives, by the provisions of this Act, were forbidden from obtaining skilled jobs in those industries where certificates of competence had to be produced. Other colour bar legislation such as the Apprenticeship Act (No.26 of 1922) amended by Act No.15 of 1924, the Industrial Conciliation Act (No.36 of 1937), and the Native Laws Amendment Act (No.46 of 1937) together prevented the Native from competing with the White man in the economic sphere. Amendments to the 1923 Natives Urban Areas Act, intensified the laws with regard to the entry of Natives to urban areas and the acquisition of land by Natives. By prohibiting the acquisition of land by a Native from a Native except with the Governor-General's consent, Hertzog brought the urban land policy into line with the 1913 Land Act. Further measures such as the Riotous

Assemblies and Criminal Law Amendment Act (No.19 of 1930) and the Native Service Contract Act (No.24 of 1932), were instrumental in controlling Native labour. It is interesting to note that, with one small exception, all legislation with regard to Natives classified them all together and did not take into consideration tribal differences of custom and language. (51)

The year 1936 is an important one when reviewing Hertzog's period as Prime Minister. In that year he obtained his two-thirds majority and so piloted the Representation of Natives Act (No.12 of 1936) through Parliament. He did not, however, succeed in establishing full political segregation, for on the issue of the Cape Native franchise he compromised by allowing the Natives to be put on to a separate electoral roll.

Another Act which formed an integral part of Hertzog's segregation policy, was the Native Trust and Land Act (No.18 of 1936). In terms of this Act 7,250,000 morgen of additional land was to be made available for sole Native occupation, and to finance the purchase of more land and for the improvement of Native agriculture and education a South African Native Trust Fund was established. By means of this Act Hertzog hoped to rectify the deficiency in the implementation of the 1913 Act which had remained virtually unaltered for 23 years.

It is clear that Hertzog, through the implementation of this policy, endeavoured to find a permanent solution to the Native problem. Many factors, however, hampered his task. His second period of office was dogged by the great

depression of the early thirties, while increased urbanization, a growing demand for labour, increase in the Native population, inadequacy of land, and overcrowding of the reserves were obstacles which impeded him in his efforts to reach the goal he visualised.

SMUTS'S RULE, 1939-1948

The nine years from 1939, when the United Party ruled the country, were not characterised by any great strides in the field of Native policy. The most forward step taken during this period was the appointment in 1946 of the Native Laws Commission with the Rt. Hon. ex-Chief Justice H.A. Fagan as Chairman, to inquire into the entire question of Native migratory labour, the pass laws, and those laws in force relating to Natives living in or near urban areas.

Smuts became Prime Minister for the second time when the world was in the grip of war and domestic problems tended to be left in legislative cold storage. During this period there were signs of a very great awakening amongst the Natives and the African Trade Union Movement revealed remarkable strength and leadership. Smuts faced repeated deputations from Natives demanding direct political representation, improvement in housing and education, the abolition of the pass laws, and the removal of land restriction -- in fact a complete change in the country's Native policy. He tended to follow a policy of laissez faire and, as a problem presented itself, so would he endeavour to deal with it. In 1943 there was a relaxation of the pass laws and in the following year, old age pensions for Natives were introduced.

Smuts claimed to base his Government's Native and Coloured people's policy on the principle of Christian trusteeship but at the same time advocated White supremacy in all spheres of endeavour. In a speech at Cape Town in 1942, Smuts stated:

Formerly there appeared only two possible courses in Native policy -- complete equality or permanent European "Top-dogism". A new principle has emerged in recent years and has been enshrined in the League -- that of trusteeship. This concept had raised Native policy from the area of politics into the region of morality and ethics. Trusteeship implied that the trustee regarded the rights of his ward as sacred rights. South Africa had failed in many respects. She had tried segregation but segregation had failed. South Africa's hope was that Bantu and European would live together in helpful co-operation. We want to take a holiday from old ideas which have brought nothing but bitterness and strife to our country, and try to the best of our ability to fashion a variegated but harmonious race pattern in South Africa. (52)

Smuts undoubtedly accepted the policy of segregation but it was not a segregation along hard and clear-cut lines. While claiming that in all matters the Natives should be treated fairly and justly, the cornerstones of the United Party Native policy were economic integration, social and residential segregation, and, in the political sphere, guidance and leadership. Smuts realised that the Native had become an integral part of the country's economic system and so accepted economic integration. He was not in favour of racial equality and advocated social and residential separation and the avoidance of race mixture. The Natives (Urban Areas) Consolidation Act (No.25 of 1945) aimed at the consolidation of all previous laws providing for improved living conditions for Natives in or near urban areas. Smuts considered that political rights should remain as laid down

in the provisions of the Representation of Natives Act (No.12 of 1936). Development of the reserves seemed important to Smuts, for he regarded them as the national and cultural home of the Natives.

On 17th May, 1948, from a political platform Smuts in an election speech declared that if he were returned to power he would wholly accept the findings of the Fagan Commission and carry out its recommendations as submitted in its Report of 1948. These called for a simplification of the identification system, a centrally organised network of labour bureaux to bring about a better distribution of labour resources, and the establishment of Government sub-departments to control and find accommodation for those Natives who, being unable to find living quarters within urban areas, had collected in groups outside municipal boundaries.

Smuts never had the privilege of implementing the proposals of the Fagan Commission, for the Nationalist Party was returned to power. More intransigent in its views than under Hertzog, the Nationalist Party now produced for South Africa a challenging manifesto.

THE PERIOD 1948-1958

The second Nationalist Party regime began in 1948 following the general election in May of that year. A coalition of the Nationalist and Afrikaner Parties was elected to power and Dr. D.F. Malan became South Africa's new Prime Minister. In 1953, when the Afrikaner Party merged with the Nationalists, the party's majority in the House of Assembly over the combined opposition groups was further

greatly reinforced. Dr. Malan won the election, as had his Nationalist predecessor General Hertzog, on the "Black peril" issue by introducing the country to an old idea clothed in a new garment. The policy of segregation which the Nationalist Government had inherited from previous governments they were determined to enforce at all costs. They ignored the findings of the Fagan Commission viz., that the urban Native had become a permanent feature of our economy and that the townward drift of Natives was a phenomenon that could not be reversed although it might be regulated. They were convinced that separation was in the interests of and would be beneficial to every group of the whole population.

The theory and the implementation of apartheid and the ideal of separate Native development are the outstanding features of Nationalist Party policy for the period subsequent to 1948. The legislative policy pursued by the Nationalist Government has aimed at racial separation; the implementation of measures to enforce social, political, and economic segregation; and ever-extending powers delegated to the Minister of Bantu Administration and Development. This Party which was born during the Hertzog epoch has since been led in turn by Dr. D.F.Malan, the Hon.J.G.Strydom, and Dr.H.F.Verwoerd. By means of legal barriers and restrictive measures, such as were to a greater or lesser extent instruments of all previous ruling Union Governments, the Nationalist Party sought to bring into practice the dictum that in the perpetuation of racial separation lay South Africa's solution to her non-White question. The Native's future should be built on Native tradition and should not be a process of assimilation or partial adaptation to white civilization.

APARTHEID

Dr. Malan, in his political campaign of 1948, dropped the well-used term segregation and in its place introduced South Africa to a new word, apartheid. As far back as 1944, General Smuts had declared that the policy of segregation had been a failure. Dr. Malan by coining a new term felt that he was giving new life and force to this age-old South African concept. Segregation was to be elevated to a new level. On 20th April, 1950, the Minister of Native Affairs, Dr. Jansen, stated in the House of Assembly:

The idea of Apartheid has been recognised in the past under the term, segregation . . . The creation of Native reserves in the platteland and Native locations in urban areas was an implementation of that idea. The word segregation fell into disfavour, and reminded one more of territorial segregation, without drawing attention to other aspects of Apartheid. (53)

Since Malan's election cry, South Africa's policy of apartheid has provoked world-wide comment and discussion and there have been many official and unofficial statements on the meaning of the word. (54) In 1948, Dr. W.W.M. Eiselen in an article entitled "The meaning of Apartheid", used the words apartheid and separation as synonymous. In a contribution to the January, 1950 edition of Suid Afrikaanse Buro vir Rasse Aangeleenthede Journal of Racial Affairs, Dr. Eiselen, as a Professor of the University of Stellenbosch, wrote:

By separation I mean this separating of the heterogeneous groups, from the population of this country, into separate socio-economic units, inhabiting different parts of the country, each enjoying in its own area full citizenship rights, the greatest of which is the opportunity of developing such capabilities as its individual members may possess to their optimum capacity. (55)

In 1959, in his official capacity as Secretary of the Department of Bantu Administration and Development, he stated:

Apartheid, does however, mean the gradual development of self-sufficiency for both parties concerned. (56)

The Hon. E.G. Jansen as Minister of Native Affairs, issued an official statement on the meaning of apartheid when in 1950 in the House of Assembly he said:

Apartheid, as far as Europeans and non-Europeans are concerned, therefore, means separation between the two and is the opposite of a jumble . . . The Government's policy includes territorial apartheid, but it goes much further than that. While the Government, therefore, is in favour of territorial apartheid, it wants to ensure that it is consistently and effectively applied. (57)

The term apartheid soon became a household word, a slogan, a doctrine, and a programme of living in South Africa. Social, economic, political and sexual segregation became the reinforcing pillars of the whole apartheid structure and system. The policy envisaged territorially separate ethnic communities each occupying its own specified area. Politically each group would have more and more governing power in its particular area; in the Central Government, however, political power of White over the non-White was to be entrenched. Dr. Malan as Prime Minister stated in Parliament:

With regard to those who do not live in the reserves, just as little as the Europeans are allowed to live or continue to live in the reserves without permits -- Europeans can only live in reserves under permit and they have no say in the Bunga and in the other self governing institutions in those territories -- just so little should the Native who lives in the European area be given any greater privileges than that. (58)

A few years later he said:

We will give them more and more self-governing powers in their own territories gradually and slowly as they achieve the ability for such powers and get the sense of responsibility they need.

But he added in reply to a question put to him by Mr. S.J.M.Steyn, M.P., "What about White domination?":

In their own areas they will always have to stand under the guardianship and the domination of the White man in South Africa. Call it "baasskap" or call it what you like. We have always used the expression that we are their guardians, and we remain their guardians. (59)

IMPLEMENTATION OF THE THEORY OF APARTHEID

The 1948 apartheid policy was initiated with the introduction of a number of colour bar measures to draw the distinction between Whites and non-Whites. This distinction which has come about through custom or legislative enactment is commonly referred to as the "colour bar". Separate railway coaches for Whites were to be seen on the Cape suburban trains and separate entrances and counters were set up in certain post offices. Notices marked "Whites" and "non-Whites" became conspicuous in all Government buildings and brought vividly to public view the application to every-day living of the new Government's apartheid policy. Under the provisions of the Reservation of Separate Amenities Act (No.49 of 1953), vehicles or portions of vehicles could be reserved by private companies for the use of particular race groups. Apartheid in trolley and tramway services was introduced with the passing of the Motor Carrier Transportation Amendment Act (No.50 of 1949). Legal enactments made any failure to observe these restrictive measures a punishable offence.

Like all previous South African Governments, the Nationalist Government was opposed to inter-marriage between black and white. It gave legal status to this sentiment by passing the Prohibition of Mixed Marriages Act (No.55 of 1949), which forbade marriages between Whites and non-Whites. The Immorality Act (No.21 of 1950) extended the provisions of the Immorality Act (No.5 of 1927). The earlier Act had prohibited carnal intercourse between Whites and Natives; the 1950 Act extended this prohibition to intercourse between Whites and the other non-White groups as well.

Further distinctions were made with the passage of the Population Registration Act (No.30 of 1950) which provided for the classification according to race of every one over the age of sixteen years. Identity cards were to be issued for all persons so classified and a National Register kept in which the race of every individual was entered.

The admission of Whites and non-Whites to the same wards in hospitals was prohibited except in the case of extreme emergency. Mixed or Native meetings in White areas, even those arranged by Churches, could be forbidden. Whites and non-Whites were not permitted to attend the same dramatic performances, lectures, discussions, or exhibitions if these took place under the auspices of organizations in receipt of Government grants.

The Group Areas Act, regarded as the ultimate expression of apartheid as applied to all the ethnic groups, enforced residential and business segregation of every White and non-White group and by proclamation under that Act

Whites and non-Whites could not attend the same cinemas, eat in the same restaurants, or belong to the same social or sporting clubs.

The colour bar in the field of labour has been consistently maintained. Job reservation is an important feature of the country's policy -- the Native Building Workers Act (No.27 of 1951), prohibits the employment of skilled Native workers in White areas and while providing, on the one hand, for the training of Native building artisans, it specifies on the other the limited areas in which they may operate. Native Trade Unions receive no official recognition and it is a punishable offence for Natives to strike.

In the field of education, integration in all schools, even private schools, is prohibited. Until 1959 certain Universities in the Union had been open to all ethnic groups but, with the passing of the University of South Africa Act (No.19 of 1959), university segregation was also enforced.

While the legal enactments that control every aspect of Native life appear primarily as restrictive and prohibitive measures, the Nationalist Government's implementation of the policy of apartheid has also a creative side. During the decade under review conditions in the reserves have been improved, and concerted efforts have been made at slum clearance, the removal of "black spots", and the promotion of Native housing schemes.

THE NATIVE POLICIES OF MALAN, STRYDOM, AND VERWOERD

The Nationalist Party clearly outlined its colour policy in a manifesto issued in 1947. The general principles

then laid down have been accepted by the three Prime Ministers who have served South Africa since 1948.

The Manifesto emphasized the need for a programme of separate development which aimed at maintaining a purely White race and at preserving and assisting the different ethnic communities to develop in their own specific areas into self-supporting units along their own lines. It advocated the fostering of national pride and mutual esteem in each of the different races and at the same time asserted that the development of any one group must in no way conflict with that of another. White civilization must survive and be protected in this way against any possibility of danger to its existence. The reserves were seen as the rightful fatherland of the Natives and efforts were made to concentrate and group members of the same tribes together. (60)

The Manifesto further emphasized the need to help the non-White to base his way of life on the Christian religion. It opposed anything which might lead to an intermixture of the races; the Nationalist Government saw this as the crux of the Native problem and based their reasons for forbidding it on ethical grounds. Total apartheid was seen as the final and ultimate goal.

With this Manifesto as the winning election card of 1948, we see the commencement of the third phase in the development of South African Native Policy. 1913 had set the basic segregation pattern, 1923 witnessed the first constructive planned effort to deal with the urban Natives, while the 1948 Nationalist Government set about strengthening the measures of segregation already in practice, introducing

new ones, and devoting itself to the cause that racial segregation was in the true interests of the different ethnic groups.

An important respect in which the policy of segregation as introduced by Malan differed from Hertzog's attitude towards the non-White races was the extension of the policy of apartheid to other ethnic groups besides Natives. No consideration was given to Hertzog's idea of grouping the Coloured people on the side of the Whites. It was a case of White and non-White. In his book "Our Responsibility", H.A. Fagan refers to this point when he says:

From the whole course of legislation and administration since 1948, it is clear, however, that the policy of separation is directed against all non-Whites, with only such variations as flow necessarily from the difference between the various non-White groups in history, way of life, and degree of civilization. (61)

However, whether under Malan, Strydom, Verwoerd or even Hertzog, the Nationalist Party Native policy has always stood for segregation -- it is only in respect of the degree of intensity with which the measures to bring this separation about have been applied and in regard to the attainment of the goal of total apartheid that variations in the policy are detected.

Although the ideal of total territorial apartheid was sketched as the ultimate goal of Nationalist Native policy, Dr. Malan never really believed it could be attained for he openly admitted it to be an impracticable goal. (62) In an effort, however, to investigate the possibility of reaching that goal Malan in November, 1950, appointed the Tomlinson

Commission which was called upon to:

conduct an exhaustive enquiry into and report on a comprehensive scheme for the rehabilitation of the Native Areas with a view to developing within them a social structure in keeping with the culture of the Native and based on effective socio-economic planning. (63)

A summary of the Commission's Report was published in March, 1956.

In 1950, Dr. Verwoerd became Dr. E.G. Jansen's successor as Minister of Native Affairs in the Malan Cabinet and he also served in the same capacity under Strydom. As Minister with this portfolio, he appeared to be more dedicated to the ideal of total territorial apartheid than either of his leaders. As a member of Strydom's team he declared:

Die logiese einde van die intussen steeds toenemende apartheid op maatskaplike, ekonomiese en politieke gebied is wel territoriale skeiding, maar niemand kan voorspel wanneer daardie punt bereik sal word nie. (64)

And again:

You cannot say in advance that every date of every step must be given from stage to stage. Nevertheless it remains a very clear policy which is a guide to the party and the Government of the country. Step by step, as the prevailing circumstances make it possible, the ideal which one strives for is put into effect . . . in the first place policy is an indication of a direction, the setting out of an aim, and that the implementation of the details is done by the Government of the day at various stages of the country's development, and that further stages do not represent the practical policy of the party at that earlier stage . . . on each occasion . . . it was started because we had said that apartheid was a direction and that the final logical outcome of that developmental direction would be total territorial apartheid; but no Government in announcing the policy which it carries out from day to day is concerned with the end of that road; it is concerned with the tasks which lie immediately ahead of it. (65)

The Nationalist Native policy for the ten years under review has concentrated on dealing with the reserve and urban Native for it would appear that the farm Native has never been seen as creating a threat to the White man in South Africa despite the ratio of Natives to Whites on the farms. (see Chapter Five). As far back as 1950, the Minister of Native Affairs, then Dr. Jansen, stated in Parliament:

At any rate, the conditions on farms are totally different from those in the cities . . . On the farms there is no question of equality. The relationship of master and servant is maintained on the farms, and there is no danger that conditions on the farms will develop in the same way as in the cities, where they are working with the Europeans on an equal footing -- which give rise to all kinds of undesirable conditions. For generations that relationship between the farmer and the Native, who lives and works on the farm has been respected. Both the farmer and the Native have well understood it and have accepted it, and the acknowledged relationship has been maintained. (66)

The resignation of Dr. Malan with effect from 30th November, 1954, was a most important political event. Adv. J.G. Strydom, formerly Minister of Lands and Irrigation, took over the premiership on 2nd December, 1954. On his death on 24th August, 1958, he was succeeded by Dr. H.F. Verwoerd on 2nd September, 1958.

The regime of Dr. Verwoerd has been marked by more stringent measures to bring about separate Native development by the demarcation of special areas called Bantustans for Native occupation and by the augmentation and reconstruction of the Native reserves. He seems to visualize carrying out the reserve policy outlined by the Tomlinson Commission; with the problem of the urban Native still in menacing evidence, however, the ultimate goal of total

territorial apartheid is still not perceptibly nearer realization than it was when Malan became Prime Minister. In an effort to deal with the urban Native, Dr. Verwoerd advocated apartheid in all spheres of life and indicated that each race group might not necessarily be completely isolated territorially from each other group. He publicly stated:

Apartheid is 'n proses van steeds toenemende skeiding op alle lewensterreine, en dit vind selfs plaas wanneer daar nie totale territoriale skeiding is nie. Aparte ontwikkeling van elke rassegroep binne sy eie kring kan en moet plaasvind selfs wanneer die een groep nie volkome in sy eie landsdeel woon nie, maar sy verdienste gedeeltelik in blanke gebied seek. (67)

As Minister of Native Affairs and Prime Minister, Dr. Verwoerd's terms of office have been characterized by the attempt to impose ever-growing barriers between the racial groups, thus implementing the policy of apartheid in all spheres of living. In 1958, as Prime Minister, and Minister of Native Affairs he declared that although the ultimate goal of total territorial apartheid was the ideal for which the Nationalist Government stood, its application at that stage was not practicable:

The ideal of total apartheid gives one something to aim at. We have said clearly -- Dr. Malan said so, Adv. Strydom said so, I have said it repeatedly and I say it again -- that the policy of apartheid constantly moves in the direction of ever-increasing separation. The ideal must be total separation in every sphere, but everyone realizes that to-day that is impracticable. Everyone realizes that such a thing cannot be attained within the space of a few years, nor even for a long time to come and that South Africa cannot attain that ultimate objective in the near future. But everyone realizes also that if one has such a clear and definite aim, then one can test one's daily deeds by that yardstick to see whether one is leading the country towards more and more separation, whether it be within our country, as long as White

and non-White are both here, or whether it be territorially to the extent to which one can promote it, even at this stage. (68)

From this statement it would appear that a new slant on Nationalist Native Policy was emerging. In his book "Our Responsibility" the Hon. H.A. Fagan shows how with this modified apartheid theme a different concept of South African society emerges than that of total territorial apartheid:

Territorial separation was one thing: the pursuit of the ideal of "total separation in every sphere" without territorial separation is something entirely different. In the former case there is no community of interests and there are no inter-racial contacts. In the latter case common interests remain and contacts cannot be avoided. (69)

CONCLUSION

In reviewing the South African political scene since Union, we see how indissolubly party politics have been linked with Native Affairs and how legislation has delegated the Native to a particular place in the South African picture -- a picture which today depicts the White group politically, socially, and economically in a position of superiority over the non-White group.

CHAPTER FOUR

LAW AND SOCIETY

Law, in the sense of the rules enforced by the State, extends very nearly over the whole range of human activity, and reflects the structure of the society and the relations between the members. (70)

The centre of gravity of legal development therefore from time immemorial has not lain in the activity of the State but in Society itself, and must be sought there at the present time. (71)

Subsequent chapters in this work contain an analytical discussion of the various Acts affecting the domicile and mobility of South African Natives. As introduction and background to this more particularized study, this chapter is devoted to an analysis of the South African social structure as mirrored in its laws.

The writer Timasheff asserts that "law is not a necessary form of human existence not a necessary category of human thought". (72) Whether or not we subscribe to this view it must be accepted that, although primitive people had no written laws, long before Biblical times and the framing of the Ten Commandments, as men naturally and spontaneously formed social groups, it became necessary to work out codes and mores to direct and guide the process of living together. Gradually social conventions and institutions were established, complex social organization emerged, and civilized society evolved. The emergence of civilized society and an established legal system were closely linked. In many contemporary legal systems Roman Law is regarded as the basic source of law, but the Roman legal system, when its origins are investigated, reveals itself as little more than a carefully-coded summary of early Roman practice.

Law may be defined as a formal means of compelling conformity, it is the ordering of society, "a historical phenomenon and product of cultural development" (73), a social force that specifies those rules of society that regulate the conduct of the members in relation to one another and to the society as a whole. Law, indeed, can be seen as the mirror that reflects the whole structure of

society and the relations of the members to each other.

Rules of law must be impartial; they must be the same for all persons; impartiality, is in fact, one of the main elements of reasonableness . . . The rules of law must consequently provide equality of treatment for all persons, irrespective of wealth, colour, race, religion or any other characteristic. Thus, for the enjoyment or protection of rights, "it makes no difference whether the individual occupies a hut or a palace"; -- whether he is Native or non-Native; whether he be white or coloured, a European or a non-European. (74)

Over the past 50 years in South Africa there has evolved a special system of laws and regulations, built on the principle of separation and segregation, which governs the life of the Native. Indeed the whole structure of apartheid, while established in the customs and tradition of South Africa, has been confirmed and reinforced by legislative provisions. In view of this system of legislative differentiation it must be seen that all the people of South Africa do not enjoy the same rights in the eyes of the law.

Side by side with the ordinary law of the land and the legislation applying only to Natives there is also a recognized system of Native Law which regulates the Native's tribal life.

Native law may be defined as those parts of the indigenous system of customary jurisprudence existing among the various Bantu tribes of South Africa, which are recognized by the South African Courts. Native Law is a system of principles governing the conduct of members of a tribe as between individuals, which is capable of enforcement by legal sanction. (75)

Because of the conviction that the Native's future is definitely on the land, and that the Native living in the

town is only a temporary migrant labourer and is not to be regarded as a permanent feature of the urban population of South Africa, Native law, in terms of the Native Administration Act (No. 38 of 1927), gained full recognition. Under the Bantu Authorities Act (No. 68 of 1951), with the establishment of tribal, regional, and territorial authorities, the Chiefs were reinstated and restored to power.

In his work on social mobility, Sorokin defines social stratification as follows:

Social stratification means the differentiation of a given population into hierarchically superposed classes. It is manifested in the existence of upper and lower social layers. Its basis and very essence consist in an unequal distribution of rights and privileges, duties and responsibilities, social values and privations, social power and influences among the members of a society. (76)

If we accept this definition of social stratification, the Union of South Africa, which is characterised by fundamental differences in race and culture, appears quite clearly as a racially stratified social structure. Through the franchise the White group holds the key to political domination and power, and economically the Native population is the subordinate race. It is the capital of White financiers that controls the mines, manufacturing industries, and commercial concerns; the land is predominantly owned by the White population. This group is committed to the task of maintaining its position of dominance and supremacy and of preserving Western civilization and the white way of life. Like all dominant groups, in order to entrench its position and ensure its future it is faced with the inevitable task of devising ways and means of control over subordinate groups.

Physical force can be effective in the process of exercising control over subordinate groups, but in the face of overwhelming numerical strength this form of control is by no means permanent or sure. For this reason far more subtle and ingenious techniques and devices than rifles, guns, and teargas are necessary to bring about effective social control over a group that outnumbered the minority White group in South Africa by three to one.

One of the most universal means today of exercising social control over the individual, and of making the influence of society felt, is through the channel of legislation. While appreciating that law is not the sole means of control of society, for there are many social forces that govern people's actions which cannot be traced to common or statutory law, it is accepted that law is a most important instrument of social control.

Legislation which applies specifically to the Native and discriminates against him solely on the grounds of his race and colour is the chief mechanism which in South Africa controls the whole process of social circulation. It restricts each person on the basis of colour to a particular social stratum where he performs a particular social function. By so confining each person within the boundary of his particular ethnic group it aims (except in a limited and restricted form in the economic field) at preventing any possible process of assimilation or integration taking place.

The government of a country comprises the legislature which makes the laws, the executive which carries the laws

into effect, and the judiciary which enforces the observance of the law. Roscoe Pound, in his Introduction to Ehrlich's "Fundamental Principles of the Sociology of Law" (77), states that to the twentieth century the problems of the science of the law are seen not only in what the law is, but what the law does, how it does it, what it can be made to do, and how. While the promulgation of laws is one thing, their administration, implementation, and enforcement are quite another. As Potter in "The Quest of Justice" says:

A rule may be thought to be just, but its application may render it unjust because the means employed may be inadequate to prevent injustice. (78)

Indeed the effect of a law is never confined to the actual law itself but is seen in its administration and imposition on a given population, for it is there that all criticism is lodged and where friction may so readily arise.

The effectiveness of the law of the State is in direct ratio to the force which the State provides for its enforcement, and in inverse ratio to the resistance which the State must overcome. (79)

In the very act of establishing discriminatory legislation the State demands a similarity and uniformity in the behaviour of individuals within a particular social group. Having launched itself upon that national policy of social regulation known as apartheid, and having made laws to implement it, the South African Government, like any other State, must employ suitable agencies to give them effect. The machinery at the command of the South African Government for this purpose, namely to carry into effect the law, comprises the Police Force, Defence Force, the Civil Service,

and the Courts. But not alone are these major Departments of State instrumental in implementing the laws of the land but smaller organizations like local authorities and even individuals play an important part with regard to the administration of the Acts. Indeed, it is at this more humble level that many problems and difficulties of discriminatory law present themselves and take on a very real and personal significance, for in their daily administration they may touch on the individual lives of millions of human beings.

In Departments of State such as the Judiciary, Civil Service, Defence, and Police Forces, the White group holds a strategic position of power, for these Departments primarily and predominantly employ White persons. The administration and application of justice is entirely in White hands. Only White persons hold the positions of magistrates, Native commissioners, or judges, and even in criminal cases, where Natives only are being tried, only Whites may be represented on the jury or sit as assessors.

In the Civil Service and on the Railways there are no Natives except for a limited few engaged in menial tasks or in doing minor administrative or clerical duties in connexion with Natives only.

Like the Courts and the Civil Service, the Defence Force is in the control of the Whites. In terms of South Africa's national policy, Natives are not eligible for military service and they may not carry firearms nor may they purchase them. In no way are they permitted to gain control of the weapons of war; physical power is essentially the prerogative of the White man. Even a Native policeman

is only given the use of firearms in the event of an extreme state of emergency.

Although the police force has Natives in its ranks, they function as a minor auxiliary unit that merely aids the White force in the execution of those duties related to the Native population only. Apart from having to maintain law and order, the policeman must enforce all the discriminatory restrictions applicable to Natives. The official attitude of the White policeman towards the Native must not only be determined by the nature of his duties but must also be influenced by the traditional South African colour consciousness.

Through the infringement of any of the technical regulations that apply only to the Native, he can easily become a petty law breaker and, in consequence, is frequently brought into contact with the police. Legally the Native is obliged always to carry on his person certain documents which, if he is unable to produce on demand by a policeman, makes him guilty of an offence and subject to immediate arrest. Thus around this system of law administration which is seen in the policeman's rightful execution of his duties grows a hatred of a system which results in the development of feelings of fear and resentment by the Native for the police.

Nothing could be more offensive than the way in which a Native, walking out on a Sunday afternoon with his friends, is summarily and peremptorily held up to produce his pass. This production is quite uncalled for and unnecessary; it serves no purpose but the temporary magnifying of the policeman's self-importance. But the manner in which the

document is called for instils into the mind, even of the apathetic 'kitchen boy', a burning hatred of the pass and everything connected with it. (80)

Because of the very nature of his duties in the enforcement of those discriminatory laws, the policeman does not appear to the Native in the same way as he appears to the White man. He is not to the Native a symbol of safety and protection, someone who will maintain law and order and protect life and property. Rather is he an omen of oppression, a symbol of White authority and domination.

On the level of local authorities it is the location manager and his staff who are called upon to administer the legal provisions that affect the domicile and mobility of Natives living in urban areas. It is to the location manager that the raw tribal Native on entering the urban area must apply for permission to seek for work and must have his employment pass renewed monthly. These offices, charged with the execution of national policy, are often understaffed and cannot always adequately cope with the long queues of Natives who daily present themselves for permits. The staff is called upon to deal with persons who, on the whole, are illiterate, quite unfamiliar with official procedure, and ignorant of White ways of thought and behaviour. These facts in themselves create endless difficulties for the location staff in the execution of their duties. The inarticulateness of the Native and his inability to grasp details of procedure often result in tempers being frayed and Natives being shouted at. This, as an introduction to the Western way of life, must imprint itself on the Native's mind and give him an initial adverse impression of the White man's

attitude towards him.

It falls to the management of locations to enforce all those regulations regarding the registration of employment contracts as well as those affecting the Native's life in the location, e.g. domestic brewing of beer, housing, and so on. This means that officials are often in conflict with residents so that again feelings of resentment to White persons may be engendered.

The translation of such Acts as the Group Areas Act and the Natives Resettlement Act, that reflect national policy in their enforcement of the physical segregation of the Native, may generate a deep sense of insecurity in those persons whose lives and homes are affected. An attitude of resentment in the Native's mind is almost inevitable towards the White man who is seen as a member of the power group implementing such Acts.

On the shoulders of bus and train conductors falls the responsibility of the day-to-day implementation of those legal provisions that provide for separate transportation facilities. It does not seem likely that all these employees, often representing a less highly educated section of the community, are adequately equipped to handle situations that through tactless dealing might encourage racial antagonism.

The whole South African legislative policy involves a discriminatory "colour bar" that touches on all aspects of the Native's life. Both officially and unofficially it places the urban Native in a permanent position of

subordination, differentiates him from the rest of the community, and singles him out as someone who must be handled in a special way.

Today it would seem that, through legal sanction, a definite attempt is being made in South Africa to make fixed and permanent the policy of racial discrimination. This policy through the isolation and separation of the different race groups, would seem to anticipate a permanent form of social stratification based on physical differences only. It is a system that, for the urban Native living away from his tribal land, permits of no change, no individuality, no personal initiative, and no vertical social mobility, and leaves all political and economic power in the hands of the minority White group.

No social structure can be viewed as fixed or permanent, but some structures are surely less viable than others. What of the South African social structure? Are there social forces that militate especially against a social system of this kind, forces which might weaken the present habit of collective obedience and which might lead to social change or social disorganization? Or can it be assumed that through more and more restrictive legislation and force the present scene will remain relatively stable for some time to come?

Ehrlich, who regards society not as an aggregate of isolated abstract individuals but as a sum of human associations having mutual relations with each other, sees the original and basic form of law, that is, its historic starting point, as the inner ordering of those associations. His whole theory of the sociology of law devolves around the

belief that the making and administration of laws are dependent on the actual needs of a society at a particular time and that only by studying the social conditions in which the law has to function can the ends of law be achieved. In emphasizing the point that the State cannot permanently base its right on might he quotes:

On peut tout faire avec les baionettes,
except s'y asseoir (81)

and states that even Machiavelli advised his Principe to remember, if only in his outward behaviour, the rules of morality, religion, ethical custom and honour, decorum and tact.

Law depends upon an attitude of acceptance on the part of group members in helping it to be carried out in social life. On the whole (and disregarding present conditions in South Africa) the general outward behaviour of the Native has shown an apparent submission to and acceptance of South Africa's legislation. Can it be assumed that this indicates an inward acceptance and obedience?

The agencies of force which can be used to quell any outward resistance to the legislation may initially be very effective, but in time other social influences enter the scene and play a part in the control of society although at first the change they introduce may be so gradual that many are unaware of a change taking place. History has so repeatedly proved that factors other than force, such as religion, economics, politics, and ethics, though perhaps initially apparently ineffective as instruments of social control, gradually play a bigger and bigger part in the life

of the society until they are instrumental in changing the law, and succeed in overthrowing the machinery that is employed to carry the law into effect. It is surely for this reason that Ehrlich declares:

Even State law must, therefore, continually take the social forces into account. (82)

For is it not true that to the criminal the stigma which society places on him is far greater than his punishment of imprisonment? He is more concerned with the repercussions which his offence has on his daily life, though this social consequence may have nothing to do with the letter of the law.

A characteristic feature of the South African society is its mobility. Like other civilized States it is not a static society and the past 50 years have been marked by continual social change. With the growth of industry and urbanization, South Africa has witnessed extensive migration, a phenomenon which has broken down territorial isolation, has led to new social contacts and the consequent absorption of new ways of living, new patterns of behaviour, and a new culture. Accompanying these changes and reinforced by laws that evoke a definite feeling of race consciousness has been the Native's growing awareness of his power.

Social change is a normal condition of society, but it can and does create social problems. While in South Africa there is evidence of continual social change taking place, it seems to remain the policy that, through the channel of discriminatory legislation and force, the rigidity of the South African social structure will be retained. By the promulgation of laws it is hoped to thwart the forces

of social change, to govern for all time the daily life of the Native, and to withstand those forces which might influence or overthrow the power of the State. Whether such limitation can continue indefinitely is a question which must be asked, particularly in the light of the socio-economic stresses which are directly the outcome of it. This point is discussed in more detail in the conclusion. The ensuing chapters are devoted to a consideration of the term Native; of the composition and distribution of the Native population of South Africa; to a discussion of the laws restricting domicile and mobility; and to a review of the problems arising from this legislation.

CHAPTER FIVE

DEFINITION OF THE TERM NATIVE

A man's religion might be a fake, his conversion only pretended, but he could never divest himself effectively of the outward uniform in which Nature had clad him. (83)

The black man must remain a member of the group to which he belongs by virtue of the colour of his skin. (84)

Racial discrimination has long been recognized in South Africa as the cornerstone on which the social system rests. The ethnic status of each individual determines both his relationship to members of his own and other racial groups, and his place in the social structure. On ethnic classification depends the social, economic, and political rights he is privileged or entitled to enjoy.

Because of the social importance attached to race in South Africa, endeavour has been made from early times to distinguish one way or another between persons of different race and colour by means of legal enactments. Such efforts culminated in 1950 in the passing of the Population Registration Act (No. 30 of 1950) which provided for the classification of the people of the Union into three main groups, namely Whites, Coloured people, and Natives (with subdivisions of the two latter groups) and for the compilation of a population register. Thus, by law, finally and irrevocably, the racial group of everyone is to be fixed. This is, not illogically, regarded as essential in a system where legislation so often differentiates on grounds of colour and race.

In attempting a reply to the question "What is a Native?" the following reference from Theal's "History of South Africa Since 1795" is of interest:

It will be observed that the word natives was used in England to signify the Hottentots as well as the Bushmen, just as it is now used to signify the Bantu. Everyone born in a country is indeed a native of it, but it was not in that sense that the word was employed in this instance. It was supposed that the Hottentots were true aborigines, that is the earliest dwellers in the country, and that the Bushmen were merely impoverished Hottentots . . . Neither the Hottentots nor the Bantu are aborigines, and consequently are not entitled to be

called Natives more than children of European colonists born in South Africa are. (85)

Despite the view thus argued by Theal, the term "Native" in South Africa is used in general practice to denote a person who is neither a White, a Coloured person, nor an Asiatic. The terms Bantu or African are used as synonyms of the word Native. Natives thus defined constitute by far the largest ethnic group in the Union. They are characterized inter alia by skin pigmentation that may vary from black to pale brown.

The Native tribes of the Union may be divided linguistically rather than ethnically into four main groups, namely Nguni, Sotho, Tsongo, and Venda. Differences in language, custom, and tribal traditions have however been ignored in the classification under the single heading of "Natives". A significant feature of much Union legislation has been this classifying of all Native groups together, regardless of their differences.

Since much legal procedure depends on classification according to race, the importance of unambiguous definition cannot be underestimated. South African law abounds with a variety of definitions of Native, for in every Union legislative enactment which deals with Natives there is a definition of the term and it is with reference to the provisions of that particular law that the definition must apply. The framing of these definitions has often been complicated because of the presence in South Africa of a racial group composed of persons of mixed blood, known as Coloured people.

Briefly, it may be said that whereas before Union the

tendency of the Republics, and to a large extent Natal, was to group all persons other than Whites under the heading non-White, since Union there has been much legislative evidence of an official distinction being drawn between Native and non-Native and of a clear division between Coloured people and Natives.

In the light of this comment it is of interest and importance to review definitions both in early and recent legislation. The Orange Free State did not in its legislation distinguish between Natives and Coloured people. "Coloured persons" was the term used and there was no separate grouping for persons of mixed ancestry. Law 8 of 1893 of the Orange Free State defined the term as including a man or men as well as a woman or women above the age or estimated age of sixteen years of any Native tribe in South Africa. It also included all Coloured persons and all who, in accordance with law or custom, were called Coloured persons, or were treated as such, regardless of their race or nationality. (86).

Under the provisions of Section 31 of the Transvaal Liquor Licensing Ordinance (No. 32 of 1902) it would appear that Natives fell under the general term Coloured persons but the definition was vague and wide. According to Subsection 5 of Section 19 of the Transvaal Immorality Ordinance (No. 46 of 1903) a Native was anyone who manifestly belonged to any of the Native or Coloured races of Africa, Asia, America, or St. Helena. A more restricted definition was supplied in Section 4 of the Transvaal Republic Native Passes Proclamation (37 of 1901) which stated:

A Native shall include every male person above the age of 14 years belonging to any of the aboriginal races or tribes of Africa south of the Equator and every male person one of whose parents belongs to any such race or tribe as aforesaid.

This proclamation was amended by Section 2 of the Native Passes Amendment Ordinance (No.27 of 1903) when a Native was claimed to be a male person over the age of fourteen years both of whose parents were members of some aboriginal race or tribe of Africa. The Transvaal Native Night Passes Ordinance (No.43 of 1902) however implies that Coloured persons could be classified as Native as the term in Section 2 refers to every person belonging to any of the aboriginal races or tribes of Africa south of the Equator, and every person one of whose parents belonged to any such race or tribe.

In Natal too we find various definitions, and in the administration of the law difficulty was often experienced in deciding what persons fell within the terms of the definition. According to the Courts Act (No.49 of 1898) which was a Natal Act to amend the Laws relating to the administration of justice, the term Native was defined in Section 5 as meaning all members of the aboriginal races or tribes of Africa south of the Equator and including the people called Griquas and Hottentots. In decided court cases it was settled that under the terms of this definition an illegitimate child of a Native woman by a White was classified as a Native; similarly the issue of a half-caste and a Native woman. A Griqua woman who was married in the Cape Colony to a Natal Native male took on the race of her husband and was regarded as a Native, while a Native woman marrying a White male was

classified as White. It is interesting to note that under the terms of Section 4 of the Natal Liquor Act (No.38 of 1896) a Native included besides all members of the aboriginal races or tribes of Africa south of the Equator also liberated Africans, commonly called "Amandawo", whether exempted or not from the operation of Native Law, and Griquas and Hottentots, and any person whose parents were described as Natives, Griquas or Hottentots. Section 3 of the Firearms and Ammunition Act of Natal (No.1 of 1906) extended the 1896 definition by including in the term Native all members of the aboriginal races or tribes of Africa even though they might have been exempted from the operation of Native Law, as well as Griquas and Hottentots and any person whose parents, either both or only one, could be described as Natives, Griquas, or Hottentots, or the descendants of any such person.

According to Section 5 of the Liquor Law Amendment Act (No.28 of 1898)(Cape) Native included Kafir, Fingo, Basuto, Damara, Hottentot, Bushman, or Koranna. Noteworthy in Cape legislation was the fact that an official distinction was drawn between the civilized and "raw" Native. It was recognized that the civilized Native could not be treated in the same way as the tribal Native and so to the former the operation of certain laws did not apply. Every registered voter was exempt from the operation of Native Law and the grounds for exemption were based on educational qualifications.

The first simultaneous census was taken in 1904 in the four colonies which in 1910 united to form the Union of South Africa. In this census the term White is used to indicate persons of European descent, and the term Coloured where used

in a general sense signifies aboriginal Natives (Bantu), Asiatics, and the mixed and other Coloured population of the Union. In his preliminary report of the census held on 17th April, 1904, the Director of Census writes:

I have not thought it wise in dealing with the tabulation of races in this Preliminary Report to adopt a classification based on anything more than the fundamental distinction between European or White or other than European or White. Until opportunity has been afforded to check with considerable care the first rough sub-division of the Coloured Class into "Aboriginal Natives" and "All Other Coloured Persons" it is of doubtful utility to publish in detail the results as at present obtained. (87)

He goes on to say that sub-divisions of these two groups were made so that Aboriginal Natives included the Fingoes, the various Kafir tribes, the Bechuana etc., belonging to the Bantu race, while "All Other Coloured Persons" included Malays, the Mixed, and all other Coloured races. Hottentots, Namaquas, Korannas, and Bushmen were separated from the class of "Aboriginal Natives" and were placed in the "All Other Coloured" group. Nevertheless it is clear that the statistics for the census were mainly on the basis of distinction between the two large groups, White and Other-than-White, and the collection of statistics of the further sub-divisions was not seriously and painstakingly undertaken. The Director's comment on the collection of these statistics was:

It is probable there has been a considerable amount of overlapping. (88)

For the purpose of vital statistics the definition of a Native is broad. With regard to the registration of births, deaths, and marriages, a Native means,

a person both of whose parents belong or belonged to an aboriginal race or tribe and includes a person of mixed race living as a member of any native community, tribe, kraal, or location. (89)

With the passing of the Natives Land Act (No.27 of 1913) which was concerned with the ownership and occupation of land by Natives and other persons, it was obvious that a definition of a Native was necessary. Section 10 provided this in laying down that:

Native shall mean any person, male or female, who is a member of an aboriginal race or tribe of Africa; and shall further include any company or other body of persons, corporate or unincorporate, if the persons who have a controlling interest therein are natives. (90)

This definition would indicate that Natives are designated in a particular way and are not all grouped together with other persons of colour under the title "Coloured Persons".

According to Section 29 of the Natives Urban Areas Act (No.21 of 1923), the term Native refers to a member of an aboriginal race or tribe of Africa. Provision is, however, made that, where there is any doubt as to whether a person falls within this definition, that the burden of proof be on that person. The Act clearly differentiates between the term Natives and Coloured Persons, the latter being referred to as persons of mixed White and Native descent and including Cape Malays.

Section 19 of the Natives Taxation and Development Act (No.41 of 1925) extends the interpretation of the term by including any person whom the Receiver considers is living in a Native location under the same conditions as a Native.(91)

The amended definition appearing in Section 10 of the Natives Taxation and Development Amendment Act (No.37 of 1931) goes a step further and excludes any person who is in any degree of White descent, despite the fact that he may be described as Hottentot, Griqua, Koranna, or Bushman, unless he is living in a Native location under the same conditions as a Native.

The Liquor Act (No.30 of 1928) includes four classes in the group Native. Firstly, aboriginal tribes of Africa, including Bushmen but excluding Hottentots; secondly, Korannas; thirdly, American Negroes; and, fourthly, all those persons who in terms of the Natives Taxation and Development Act (No.41 of 1925) pay a general or local tax. A clear distinction is drawn by the Act between Coloured people and Natives when it defines a Coloured person as any person who is neither White, nor an Asiatic, nor a Native. Cape Malays, however, are included in the definition of Coloured persons.

From the Native Administration Act (No.38 of 1927) it would appear that the provisions of that Act were not only to apply to full-blooded Natives but also to persons living in Native areas under the same conditions as Natives. The definition, as in the Taxation Act, does not imply a restricted interpretation of the term. Section 35 states:

Native shall include any person who is a member of any aboriginal race or tribe of Africa: Provided that any person residing in an area proclaimed under Section 6(1) under the same conditions as a Native shall be regarded as a Native for the purposes of this Act. (92)

For the purpose of the franchise, the definition of a Native framed in the Representation of Natives Act (No.12 of 1936) is more comprehensive than any earlier one, including

as it does persons who had previously been defined as Coloured.

Under the provisions of this Act Native means:

- (a) Any member of any aboriginal race or tribe of Africa, other than a race, tribe or ethnic group in the Union representing the remnants of a race or tribe of South Africa which has ceased to exist as a race or tribe; and
- (b) Any person whose father or mother is or was a native in terms of paragraph (a); and
- (c) Any person whose father or mother is or was a native in terms of paragraph (b); and
- (d) Any other person, not being a European, who --
 - (1) is desirous of being regarded as a native for the purposes of this Act; or
 - (2) is by general acceptance and repute a native; or
 - (3) follows in his ordinary or daily mode of life the habits of a native; or
 - (4) uses one or other native language as his customary and natural mode of expression; or
 - (5) associates generally with natives under native conditions; but shall not include --
 - (i) any person falling under paragraph (b) or (c) and born of a marriage as defined in Section 35 of the Native Administration Act 1927 (No. 38 of 1927), as amended by Section 9 of the Native Administration Act, 1927, Amendment Act, 1929 (Act No. 9 of 1929), contracted prior to the commencement of this Act; (93) or
 - (ii) Any person falling under paragraph (b) and born prior to the commencement of this Act who is by general acceptance and repute a non-native; or
 - (iii) any person falling under paragraph (c) who is by general acceptance and repute a non-native, and whose parents are or were by general acceptance and repute non-natives, who desires to be regarded as a non-native for the purposes of this Act; Provided that if any person asserts in the case of a person falling under paragraph (ii) that the other parent (father or mother) of such person is or was also a native, the onus shall be on the person so asserting; and provided further that in the case of a person falling under paragraph (iii) the onus of proving that the parents of such person are or were by general acceptance and repute non-natives shall not be on such person, but if the contrary is alleged, the onus of proving such allegation shall be upon the person who makes it. (94)

It would seem that the main reason for this most detailed definition was the desire to single out those persons

of mixed ancestry entitled to become voters on the common roll from those who, in terms of this Act, could only have their names entered on the Separate Voters' roll. Unlike the definition in the 1923 Urban Areas Act which excludes Coloured people, the effect of this Act is to classify as Native certain persons otherwise regarded as Coloured.

Section 49 of the Native Trust and Land Act (No.18 of 1936) defines a Native in similar terms to the definition contained in the Representation of Natives Act (No.12 of 1936) but includes in its definition a person one or more than one of whose ancestors is or was a Native, any aboriginal tribe of Africa, or any company or other corporate body or association in which a Native has or Natives have a controlling share. It would appear that the idea of including these latter groups in the definition is based on the grounds that such associations depend for their existence on their members and they would not exist separated or distinct from the individual persons who voluntarily compose them. This definition does not include within its meaning any person who in terms of Section 41 of the Representation of Natives Act (No.12 of 1936) is regarded as being a non-Native. This particular Section, i.e. Section (41), makes provision for anyone who has been defined as a Native in terms of Section 1, subsections (b) and (c), to petition the Minister to be declared a non-Native for the purposes of the Native Trust and Land Act (No.18 of 1936) and it specifies the procedure to be followed with regard to the inquiry.

Until 1945 there were many cases of persons of mixed blood being ruled by the Courts as being included in the

category of Native, the three tests of appearance, parentage, and habits and associations being applied. The passing of the Natives (Urban Areas) Consolidation Act (No.25 of 1945) again clearly emphasized what had been set out in the Urban Areas Act of 1923 by defining Coloured persons and Natives as two distinct groups. While Coloured person referred to any person of mixed White and Native descent and included anyone belonging to the class Cape Malays, Native meant:

Any person who is a member of an aboriginal race or tribe of Africa. Where there is any reasonable doubt as to whether any person falls within this definition the burden of proof shall be upon such person. (95)

For the purposes of the Group Areas Act (No.41 of 1950) which provides for the separation of ethnic groups, Section 2 of the Act designates the three groups White, Native, and Coloured.

The Native group includes any person who in fact is, or is generally accepted as, an aboriginal race or tribe of Africa, other than a person who in terms of the Act falls into the Coloured Group. It also includes any woman to whichever race, tribe, or class she may belong, between whom and a person who is a member of a Native group, there exists a marriage or who cohabits with such a person. (96)

In terms of the same section the Governor-General may by proclamation define any ethnical, linguistic, cultural, or other group of persons who are members either of the Native group or of the Coloured group. Although objection to classification may be lodged, this provision grants to the Governor-General what might appear as an almost dictatorial power. Section 35 lays down that a person if accepted as a member of the Native group is presumed to be so until the contrary is

proved.

Despite the fact that, according to Western standards, the Native population comprises both "civilized" and "uncivilized" Natives, the existence of differences in culture has never been objectively recognised by legislators except in early Cape days. In the administration of the law the only concession made is the exemption of certain persons from the operation of particular features of the Pass Laws and Native Law -- an exemption based mainly on educational qualifications.

The Population Registration Act (No.30 of 1950) dispensed with the intricate analysis provided in the Representation of Natives Act (No.12 of 1936) and the Native Trust and Land Act (No.18 of 1936) by defining a Native simply as:

A person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa. (97)

Section 11 of the Act makes provision for objections and appeals against classification. Anyone who feels he has been wrongly classified may object in writing to the Director, to whom he must produce evidence to substantiate his declaration. The Director's ruling in the matter is not necessarily final for it is possible to appeal against it and the case may ultimately be handled in the Supreme Court. This definition as laid down in the Population Registration Act has been the accepted one in all subsequent legislation dealing with Natives up to 1958.

The first census of the Union was taken on 7th May, 1911. The census distinguished between three main Race groups -- White, Bantu, and Mixed and Coloured other than

Bantu. There appears no record of any clear-cut definition of terms, although it is assumed that the term Bantu implied pure-blooded aborigines. In the 1921 census (3rd May) the terms White and Coloured changed to "European" and "Non-European". The Union Year Book No. 3 (1910-1922) draws attention to the fact, regarding the 1921 census, that certain elements of the "Non-European" population could not in all cases be described as Coloured though the number of such was small.

The sixth census of the population of the Union of South Africa, held on 5th May, 1936, and the subsequent census held on 7th May, 1946, show statistics for four racial groups, "European", Native, Asiatic, and Coloured. The three latter groups when combined form the group referred to as the "Non-European" group.

The 1951 census (8th May) supplied the basis of the Population Register established in terms of the Population Registration Act (No. 30 of 1950). We find therefore that the racial definitions as provided in that Act are used in connexion with this census. Until 1950 there was singularly little correspondence between census definitions and legislative ones. These definitions, the Director states in his Report, differ to some degree from those previously used for census purposes, for in the 1951 census Natives include Bushmen, and Griqua, Hottentot, Koranna, and Namaqua tribes, which were formerly classified as Coloured people. This census includes in the non-White group the four racial groups Natives, Asiatics, Cape Malays, and Coloured people.

We can thus see that in South Africa various methods

have been devised for achieving ethnic classifications of the population and for allotting to each citizen his corresponding place in society. The Statute books provide us with various replies to the question: "Who is a Native?" To assist in this intricate task of classifying human beings, factors such as ancestry, general repute, habits, and associations are taken into account. Where descent is regarded as the only and final test, auxiliary factors such as physical traits and mode of living are brought into play in an effort to establish origin and background. The decision about classification may rest entirely with the Court, the Director of the Population Register, or a census enumerator, in which case physical appearance, way of life, and associations play an important part. Decisions based on physical traits may cause embarrassing and awkward situations. In the case of a pure-blooded Native the classification might appear to be obvious, but with so many degrees of colour the application of tests could prove extremely difficult. The presumption provision of the Group Areas Act of 1950 assists in the task of classifying an individual, for it lays down in Section 35 that a Native who is accepted as or appears to be a member of the Native group is presumed so till the contrary is proved. While provision is made for appeal against a decision, once an individual's race group is fixed there can be no passing into the ranks of another group.

In sociology the broad field of study is society, "that system of social relationships in and through which we live." (98) This chapter would be incomplete without some brief reference to sociological thought.

The crucial factor in man's development is his human

environment, the complex of customs and habits, values and ideas, which are brought to bear on him by the people amongst whom he grows up. Biologically man is an animal and as such his behaviour is determined by physiological structure, by physical environment, and by the reactions of other animals. Man is influenced by all these but still more by the culture to which he belongs. It may thus be said that the personality of man is shaped by two basic factors, genetic nature and social heritage. As Eubank puts it:

From the moment of the union of the parental cells, the new self is the centre of a universe distinctly its own and upon it, from every quarter of that universe, impinge influences which are incorporated into the sum total of what it eventually becomes. (99)

In South Africa today the social heritage of the Native is largely determined by his physiological structure. It is primarily the colour of his skin that decides legal and social status and thus moulds his personality -- it shapes his existence, his life, and his being. He is defined and categorised by it, and it is that feature that determines his place in the social structure. Once classified, his social relationships with members of other groups are clearly specified and the limits of his social environment indicated -- an environment which places all White men in a position of supremacy over him, however inferior the individual White man's native endowment might be.

The word Native that appears in his reference book, a word that has been so variously defined in an effort to bring clarification to its meaning, carries with it in South African society as it is constituted today a certain and

Although during the last 50 years the Union of South Africa has lived through two world wars as well as the great depression of the early thirties, the country as a whole has enjoyed a period of economic prosperity with a total national income as recorded in the statistical Year Book for the Union of South Africa 1959-1960, increasing from £131,000,000 in 1911-1912 to £1,988,000,000 in 1957-1958.

Over this period South Africa has been made increasingly conscious of a familiar economic trend associated with industrialization, namely, the movement of population from rural to urban areas. Within the 472,500 square miles which comprise the geographical unit known as the Union of South Africa, the old trek movement has been seen in reverse. At the same time official steps have been taken to control this movement in respect of the Native group. On the one hand economic factors have altered the geographical distribution of the population which had come about as a result of the original historical settlement of the various ethnic groups, and on the other, legal restrictions on the mobility and domicile of the Native have endeavoured to modify what would be his normal response to these economic stimuli.

For a sound analysis of the legislation that forms the subject of this study, knowledge of the composition and distribution of the Native population in the period covered (i.e. 1910-1958) is fundamental.

Censuses and the official records of births and deaths are the two main sources from which statistical information with regard to population trends in South Africa may be derived. Although records of marriages and migration also

provide valuable information with regard to the Native population, these are not wholly reliable.

Prior to 1904 when the first simultaneous census for both Whites and non-Whites was conducted in each of the four Provinces, population censuses were carried out at various times in the two northern Republics, Natal, and the Cape. The Census Act (No.2 of 1910) made provision for the taking of censuses in the Union and specified the particulars that were to be collected. Subsequent amendments to this Act viz. Census Amendment Act (No.5 of 1935), and the Electoral Quota Act (No.21 of 1937) specified the years in which population counts were to take place. Since 1910, complete population censuses of the Union have been held on 7th May, 1911, 3rd May, 1921, 5th May, 1936, 7th May, 1946, and 8th May 1951.

With the passing of the Births, Marriages, and Deaths Act (No.17 of 1923), later amended by Act No.7 of 1934 and Act No.5 of 1943, the registration of births and deaths became compulsory for all races in urban areas. In rural areas Natives could register voluntarily and it is thus obvious that these vital statistics will be deficient. However, because of the regulation that a death certificate must be signed prior to burial, mortality statistics for Natives in rural areas showed a greater measure of accuracy than birth statistics. By a Proclamation (No.131 of 1952) which was issued on 20th June, 1952 and which became operative from 1st July, 1952 the compulsory registration of births and deaths of Natives was extended throughout the Union, i.e. to rural as well as urban areas. This provision, if satisfactorily administered, will of course lead to more comprehensive and

satisfactory vital statistics but it has been anticipated that some years will elapse before registration will be complete.

By law, notification of every birth or death must now be made to any District Registrar or the Assistant District Registrar, a Justice of the Peace, or a Police Officer. In urban areas the law requires that a death be reported within 24 hours and a birth within seven days, while in rural areas the prescribed period for registration of both these events is 30 days.

The purpose of a census is to provide a picture of the population at a particular point of time. Although in theory this is the aim, in practice various factors such as limited funds, insufficient manpower to carry out the collection of required data, and transportation difficulties make a simultaneous and instantaneous enumeration almost impossible.

Accuracy of enumeration is especially necessary if the statistical information obtained is to be utilized for analysing existing conditions in relation to the past, or for predicting future population trends. When considering the enumeration of the South African Native population, it must be recognized that the bulk of that population is illiterate, completely unused to statistical reporting, and suspicious of officialdom. Even with the more emancipated urban Native, difficulty in census-taking arises. The fear that he may be found to be in excess of the ordinary labour requirements of the town and consequently sent back to the Native area to which he belongs, or to a rural farming area, may make him conceal information from the census officials. While accuracy depends in large measure on organized planning and the skill

and training of investigators, it is also dependent upon voluntary co-operation from the public. Where, as particularly in the case of the Native population, there is any bias or fear on the part of the persons enumerated, systematic errors arise which will inevitably lead to a serious distortion of the whole population picture.

A population enumeration may be done either on a de jure or a de facto basis. The former refers to that count of persons who usually reside in the area, regardless of their actual location at the census. The de facto count, which is the one used in South Africa, enumerates all persons in the area where they are physically found on the date of the census. When considering the Native migratory force temporarily resident in urban areas, it must not be overlooked that a count on the de facto basis might misrepresent the nature of population distribution.

Censuses can be verified by comparison with population register data or by specially designed sample surveys. With completely accurate and up-to-date statistics available in the Population Register, it will be possible to obtain information on births, deaths, and the age structure of the population, by ethnic group, with relative ease. It will, however, be some considerable time before the South African Population Register is complete. Until it is complete, the checking of census data will involve special enquiries, for which the additional funds or staff may not be available.

Until 1946, the population of the Union was divided, for statistical and administrative purposes, into four main racial groups -- "Europeans", Natives, Asiatics, and Coloured

and Other Mixed Races. For the 1951 census, the five race groupings as laid down in the Population Registration Act (No. 30 of 1950) were used, i.e. Whites, Natives, Asiatics, Cape Malays, and Coloureds.

Early census returns in South Africa, it has been generally accepted, fell seriously short of complete coverage with regard to the Native population. Statistical facts concerning the non-Whites, and in particular the Natives, were for some areas almost non-existent. With the introduction of compulsory registration of births and deaths in urban and rural areas, improvements in transport, and the opening up of the more remote parts of the Union, as well as more painstaking and thorough censuses being undertaken, a more complete enumeration has been done of recent years, and recent statistics thus give a more reliable picture.

Table 1 (see next page) shows the increase in the total population by ethnic group at successive censuses. For easy reference, the figures are given in round numbers, and the intercensal rate of increase has been stated per cent.

TABLE I

Increase in the Population of the Union, 1904-1951,
by Ethnic Group stated in Thousands and Per Cent (103)

Census Year	Native		White		Asiatic		Coloured		Total
	000	%	000	%	000	%	000	%	000
1904	3,491	-	1,117	-	123	-	445	-	5,176
1911	4,019	2.03	1,276	1.92	152	3.12	526	2.41	5,973
1921	4,698	1.57	1,519	1.76	166	0.86	546	0.37	6,929
1936	6,597	2.29	2,004	1.86	220	1.90	770	2.32	9,590
1946	7,832	1.73	2,373	1.70	285	2.65	928	1.89	11,418
1951	8,535 (1)	1.73	2,643	2.18	366	5.08	1,102	3.49	12,646

Table 2 reveals that since the first simultaneous census the racial composition of the Union's population has remained singularly steady. The Native population today represents more or less the same percentage of the total population as it did 50 years ago, viz. 67.5%.

TABLE 2

Percentage Composition of the Population
of South Africa by Ethnic Group (104)

Census Year	Ethnic Group and Percentage of Total				
	Native	White	Asiatic	Coloured	Total
1904	67.4	21.6	2.4	8.6	100
1936	68.8	20.9	2.3	8.0	100
1951	67.5	20.9	2.9	8.7	100

According to the findings of the Tomlinson Commission, to every 1,000 Whites today there are approximately 3,229 Natives, while in 1904 there were 3,125 Natives to every 1,000 Whites. In making such a comparison, we should bear in mind the possibility that census coverages in 1904 and in 1951 may not have been equally complete.

The Tomlinson Commission, on the basis of census data and of statistical estimates of the Native population supplied by Native Commissioners, stated that the total population of the Union had increased by 144% between 1904-1951 (stated in numbers it had increased by 7,470,000 from 5,176,000 to 12,646,000) and the Natives had made the greatest contribution to this increase. There was an increase of 5,044,000 Natives compared with 1,526,000 Whites, 657,000 Coloureds, and 243,000 Asiatics. From 1911 to 1951 the Native population

more than doubled itself.

It is interesting to comment that during the period under review the increase in the Native population has been greatly affected by immigration. Because of the lack of detailed migration statistics regarding Natives, the Commission, in assessing the contribution made by immigration to the increase in the Native population, used data relating to the birth-places of the Native population. In 1911 it was recorded that there were 229,000 foreign-born Natives in the Union; by 1946 the number had increased to 539,000. The figure estimated for 1951 was 650,000. It was asserted that at least one third of the 1946 census figure could be considered permanent residents so that we may accept that immigration has played an appreciable part in stimulating the growth of the Union's Native population. In fact, the Tomlinson Commission maintained that had it not been for immigration the Native population today would be the less by at least 1,000,000. In comparison it can be pointed out that, except for the post-war years 1947 and 1948 when the Smuts Government encouraged a policy of immigration of Whites and 48,000 settled in South Africa, immigration has had very little effect on the growth of the White population in the period 1910 to 1958.

The most recent population figures derived from census enumeration are those obtained in the 1951 census. Certain more recent official estimates are, however, available.

The Official Year Book of the Union of South Africa 1956-1957 gives the following mid-year estimates of the Native population. These are recorded in Table 3 following:

TABLE 3

Estimated Native Population of the Union 1952-1957
at Mid-Year Stated in Thousands (105)

Year	Population
1952	8,726
1953	8,871
1954	9,016
1955	9,161
1956	9,306
1957	9,460

D. Hobart Houghton, in an article on "The Economic Dangers of Separate Bantu Development", gives an estimated Native population for 1958 and draws a comparison with the 1911 and 1951 census figures. His estimates are contained in Table 4.

TABLE 4

Estimated Population of the Union for 1958
by Ethnic Group compared with Census Populations
for 1911 and 1951 (106)

Ethnic Group	Census 1911	Census 1951	Estimate 1958
Native	4,018,878	8,537,375	9,606,000
White	1,276,319	2,642,713	3,011,000
Asiatic	152,094	366,664	441,000
Coloured	525,466	1,103,305	1,360,000
Total	5,972,757	12,650,057	14,418,000

The Tomlinson Commission makes two estimates of the growth of population until the year 2000. These estimates the Commission termed Projection A and Projection B. Projection A assumed, firstly, that an additional 5000 White

immigrants per annum could be anticipated, and, secondly, that the four racial groups would increase at the same pace as during the decade 1936 to 1946. The Commission commented that Projection A gave the Whites a much larger share in the total population than they had in 1951 (20.9%, see Table 5) while Projection B allowed for a steady decline in birth and death rates and after 1951 completely disregarded migration. It was considered that Projection B reflected a more likely future non-White population and that, despite the fact that the projection did not take migration into account, the White population was nevertheless likely to be affected and augmented by this factor.

TABLE 5

Two Projected Populations of the Union (A and B) for the year 2000, by Ethnic Group, in Thousands, compared with the 1951 Census Population (107)

Ethnic Group	1951 Census	A	B
Native 000 %	8,535 67.5	16,337 62.4	21,361 68.4
White 000 %	2,643 20.9	6,150 23.5	4,588 14.7
Asiatic 000 %	366 2.9	1,120 4.3	1,382 4.4
Coloured 000 %	1,102 8.7	2,560 9.8	3,917 12.5
Total 000 %	12,646 100	26,167 100	31,248 100

From Tables 3, 4, and 5 it seems reasonable to conclude that the Union of South Africa is destined to remain a country

predominantly peopled by the non-White races and the Natives will continue to make the greatest numerical contribution to this non-White group.

Having considered the growth of the total Native population up to 1951, and the estimated Native population of the future, it is interesting to see how this population has been distributed over the Union of South Africa as recorded at the censuses of 1911, 1921, 1936, 1946, and 1956. This distribution is shown in Table 6.

(FOR TABLE 6, REFER TO FOLLOWING PAGE 125)

Table 6 depicts the main areas occupied by the Natives and gives the density of the Native population per square mile. In comparison with the other Provinces, the Free State has always had the smallest total Native population; except for three small reserves (which today account for only $3\frac{1}{2}\%$ of the Free State Native population as against $96\frac{1}{2}\%$ in White areas) there are no large Native areas. In the Cape, the Transkei and Ciskei territories together have accommodated the bulk of the Native population, and those areas are far more densely settled than the rest of the Province. In total numbers, however, the population in the areas of the Cape other than the Native areas doubled between the years 1911 and 1951. While the Native reserves of the Cape and Natal account today for the majority of Natives in Native areas, Zululand has always been far less densely settled than the rest of Natal. In the Transvaal, the Witwatersrand has from 1911 to 1951 consistently contained a more densely settled Native population than the rest of the Union -- a density comparable with the most heavily populated areas of

TABLE 6

Territorial Distribution of Native Population of the Union
at Five Census Years in Thousands and per Square Mile (108)

Province and Area	Total Population					Density Per Square Mile				
	1911	1921	1936	1946	1951	1911	1921	1936	1946	1951
Cape Province	1,520	1,640	2,043	2,337	2,491	5.5	5.9	7.4	8.4	9.7
Transkei	872	939	1,154	1,251	1,269	52.7	56.7	69.7	75.6	76.1
Ciskei	245	241	292	322	335	52.6	51.7	62.8	69.2	71.9
Other Areas	403	460	598	764	888	1.6	1.8	2.3	3.0	3.4
Natal	952	1,140	1,554	1,707	1,809	27.0	32.3	44.0	48.4	53.9
Zululand	215	251	351	387	408	20.6	24.1	33.8	37.1	39.5
Other Areas	737	889	1,200	1,322	1,401	29.7	35.8	48.3	53.2	60.0
Transvaal	1,220	1,496	2,443	3,121	3,484	11.0	13.5	22.1	28.3	31.5
Witwatersrand	295	325	654	933	1,065	100.1	110.4	222.5	316.8	361.5
Other Areas	924	1,171	1,788	2,188	2,418	8.6	10.9	16.6	20.4	22.5
Orange Free State	326	422	552	663	773	6.5	8.5	11.1	13.3	15.5
Union	4,019	4,696	6,596	7,831	8,559	8.5	9.9	14.0	16.6	18.1

the earth.

Taking the Union as a whole in 1951, the density of the Native population was 18.1 persons per square mile, and the World total was 18 per square kilometer.(109). In terms of the latest United Nations Organization figures the density of the World total population (i.e. population per square kilometer of area) for 1957 and 1958 was 21. (110)

In order to show the distribution of the Native population more clearly, two maps are attached. Map A (Appendix 4) shows the actual numerical Native population of the Union of South Africa (111), while Map B (Appendix 4) gives a picture of its exact geographical location. (112)

Mention has been made in an earlier chapter of the fact that the Natives of the Union may be divided into four main language groups, which are for the best part the same as the general ethnic groupings. The first group, Nguni, which forms the largest linguistic group (64.04%) of the total Native population and comprises the Xhosa, Zulu, Swazi, and Ndebele tribes, is settled along the east coast regions of the Union of South Africa. The Sotho Group, found in the central and western areas of the country, forms 28.5% of the Native population and is composed of Southern Sotho, Tswana, and Northern Sotho. The next two groups, the Venda and Tsonga, are small groups of 1.8% and 3.4% respectively, and are concentrated in the Northern Transvaal. A fifth group of 2.26% accounts for unspecified Natives.

Map C (Appendix 4) indicates the language groupings of the South African Native population (113), while Map D

(Appendix 4) indicates where the chief tribes and tribal groupings are concentrated. (114). These maps emphasize the fact that there are many different groups among the Native population and that the tribes are scattered, not concentrated in tribally homogeneous territorial units. Therefore, rather than to seek a tribal basis for the present distribution of the South African Native population, a sociologically more meaningful division is made if we classify the Native according to domicile as follows: those who live in urban areas, those who live in the Native areas, and those who live in rural areas outside the Native areas, i.e. on White or other farms.

NATIVES IN URBAN AREAS

As mentioned at the beginning of this chapter, the Industrial Revolution in South Africa, as elsewhere, brought about movement of population from rural to urban areas. If in this discussion we are primarily concerned with the Natives, it must be borne in mind that this townward movement was not confined to the Native population alone. At the 1904 census it was recorded that 23.6% of the whole population of the Union resided in urban areas; according to the 1951 census the figure was 42.6%. In actual numbers the total for all races rose from 1,222,000 in 1904 to 5,374,000 in 1951. It is the Native population which has numerically been the largest contributor to this increase, although the White is the most highly urbanised racial group. During the period under review, the number of urban Natives was increased by 1,951,000 as opposed to an increase of 1,469,000 Whites, 239,000 Asiatics and 491,000 Coloured persons. The 1951 census reflected an

urban Native population of 27.1%, a much smaller proportion than the 78.4% recorded for the White population. However, in the light of the fact that in 1904 the percentage of the Native population in urban areas was only 10.4%, it indicates a faster rate of increase than in any other racial group. An interesting fact recorded by the Tomlinson Commission was that at the first simultaneous census less than 30% of the total urban population was composed of Natives, whereas today they form 43% of the town population.

TABLE 7

Comparison of Union Census Totals for Urban and Rural Areas, by Ethnic Group, in Thousands (115)

Ethnic Group and Population	YEAR					
	1904	1911	1921	1936	1946	1951
Native						
Urban	361	512	661	1,244	1,888	2,312
Rural	3,129	3,505	4,036	5,352	5,943	6,212
Total	3,491	4,019	4,697	6,596	7,831	8,535
White						
Urban	599	671	910	1,360	1,786	2,068
Rural	517	602	611	643	586	571
Total	1,117	1,276	1,521	2,003	2,372	2,643
Asiatic						
Urban	44	83	99	157	210	283
Rural	78	69	64	62	75	82
Total	122	152	164	220	285	366
Coloured						
Urban	219	255	284	433	570	710
Rural	225	270	261	336	358	391
Total	444	525	545	769	928	1,102
Total						
Urban	1,222	1,522	1,954	3,195	4,454	5,374
Rural	3,951	4,445	4,973	6,393	6,962	7,256
Total	5,175 (1)	5,973 (1)	6,927	9,588	11,416	12,646 (1)

Table 7 shows the distribution of the Native population between rural and urban areas at the various censuses. The

rural areas include both the Native areas and those rural areas outside the Native areas. The table indicates the enormous growth in the urban Native population -- a growth not due alone to the natural rate of increase of population but to a continued migration of Natives from the Native areas, from the rural areas outside the Native reserves, and from areas outside the borders of the Union. Table 7 also shows the rural and urban distribution of the other racial groups so that comparison with these may be made. This table reveals the inescapable fact that of a total urban population in 1951 of 5,374,000, there were 2,312,000 Natives and 2,068,000 Whites; in other words, there were more Natives living in towns than Whites; 115 Natives to each 100 Whites.

TABLE 8

Percentage of Union Population by Ethnic Group domiciled in Urban Areas at each Census (116)

Ethnic Group	YEAR					
	1904	1911	1921	1936	1946	1951
Native	10.4	12.7	14.1	18.9	24.1	27.1
White	53.6	52.3	59.8	67.9	75.3	78.4
Asiatic	36.5	54.8	60.7	71.7	73.5	77.5
Coloured	49.2	48.7	52.1	56.3	61.4	64.4
Total	23.6	25.5	28.5	33.3	39.0	42.6

Table 8 indicates the percentage of each race group resident in the urban areas. From it may be deduced the tempo at which the urbanization of each racial group has taken place. In 1951 less than a third of the Native population was settled in urban areas, although, as has been said, more Natives than any other ethnic group are living in towns.

Because of the Native custom for adult males to migrate to the cities in search of work while the women are left at home in the Native areas, it has been found that there have always been more Native males than females in the urban areas, unlike the White and Coloured groups, where the females in the towns are in the majority. The Tomlinson Commission stated that, at the time of its Report, to every 3.3 Natives of working age there is one person of unproductive age. This ratio of working to non-working Natives is very high when compared with the Whites where the ratio is 1.9 to 1. It is clear that the Natives form the bulk of the labouring classes in the Union and are the country's chief source of manpower. Without this source of labour from which to tap, South African economy would be crippled and in the field of agriculture, industry, and mining, development and progress would be thwarted.

It is difficult when discussing the process of urbanization as a whole to assess how many of those Natives living in urban areas are there permanently. Many of them are temporary town dwellers engaged only for a limited period in some form of labour. In de facto enumeration, large numbers of such migratory labourers are counted as urban, with consequent distortion of the extent of urbanization. On the other hand, if migratory labourers were to be excluded, the full impact of urbanization on the life of the Native could not be appreciated. Like "foreign" Natives migratory labourers are always present in the urban areas and thus comprise a section of the normal urban residential population. Admittedly they are not the same individuals, but when on expiry of their contracts they leave for home they are replaced by other Natives. The

Tomlinson Commission stated that the permanent urban Native population was about 300,000 less than was recorded in the 1951 census. The Commission tried to devise methods for establishing the permanent Native urban population, and concluded that, in the year 1951, on the basis of a minimum and maximum figure, the number did not differ much from 1,500,000.

As indication of permanency and of a settled population can surely be taken the fact that over the past half-century more and more Native women have migrated to the towns.

Table 9 shows the growth of the female urban Native population.

TABLE 9

Native Female Urban Population of Union
Shown for Five Census Years (117)

1911	1921	1936	1946	1951
85,519	147,293	357,283	668,578	885,765

This enormous growth of the female urban Native population is characteristic of the whole process of urbanization. It indicates the effect urbanization is having on Native family life for it involves an uprooting of the old tribal way of life and an acceptance of a westernized pattern.

In the four main industrial areas, i.e. Western Cape, Southern Transvaal, Durban-Pinetown, and Port Elizabeth, Map E (Appendix 4) (118), about two-thirds of the urban Native population (61.7%) are concentrated, the remaining third being settled over the rest of the urban areas. The Southern Transvaal, particularly around the mining areas of the Witwatersrand and the Pretoria and Vereeniging industrial areas, accounts for by far the largest proportion of the urban Native

population -- in fact 80% of the 61.7% referred to previously are in the Southern Transvaal. Although the mines absorb such a large Native population, mention should be made of the fact that this group more than any other must be regarded as migratory labour, -- labour not fully urbanized from an economic and social aspect. The Natives on the mines are accommodated in compounds and do not regard themselves as permanent town dwellers. Furthermore, quite half the number of Natives employed on the mines are imported from beyond the borders of the Union. Table 10 indicates the increase in the Native urban population from 1921 to 1951 in the four main industrial areas.

(FOR TABLE 10 REFER TO FOLLOWING PAGE 133)

If industrial and economic development continues at its present tempo, and if the rate of urbanization of the Native is to continue at the rate of increase indicated in Table 10, then it can be anticipated that the four main industrial areas of the Union which already show evidence of a large concentration of Natives will, within the next half-century, contain overwhelming numbers of Natives. The Tomlinson Commission anticipates, on the basis of its projected figure of a Native population of over 21,000,000 in the year 2000, that there will be more than 10,000,000 Natives in the urban areas. This figure might even be exceeded unless the Native areas and other rural areas are so developed as to be able to absorb far greater numbers:

Unless economic development can be diverted from its present geographical concentration, no other result can be expected than that the relative share of the Bantu in the composition of the urban population will increase. Even if this share

TABLE 10

Increase in Population of the Four Principal Industrial Areas
of the Union (1921, 1936, 1951) by Ethnic Group, in Thousands (119)

	Native			White			Asiatic			Coloured			T o t a l		
	1921	1936	1951	1921	1936	1951	1921	1936	1951	1921	1936	1951	1921	1936	1951
Western Cape	10	16	59	143	206	297	3	4	8	116	187	336	271	412	700
Southern Transvaal	309	642	137	282	498	826	11	18	36	18	35	59	621	1,193	1,058
Durban and Pinetown	46	72	158	61	98	153	57	91	166	4	8	17	169	269	494
Port Elizabeth	12	30	70	27	54	80	1	2	4	14	28	45	54	114	199

should remain constant, their absolute numerical preponderance will increase. It may be anticipated also that the vast majority of these Bantu will be concentrated at the four existing industrial complexes. (120)

The South African Government hopes to forestall the possibility of this eventuality, for the social, economic, and political implications of the present trend of Native urban population growth are obvious. Therefore, by means of legislation, the Native's movements to and from urban areas are restricted and his life in the town is strictly controlled and regularised.

NATIVES IN NATIVE AREAS

In considering the Native areas as the domicile of what today is 42.6% of the total Native population (in actual numbers 3,633,000) it is necessary to define what is meant by Native areas, and to state how these areas came about and where they are situated.

"Native Areas" were defined by the Tomlinson Commission as:

being generally regarded as connoting the rural Native Reserves and Locations in the several provinces of the Union, which, for all practical purposes, are synonymous with the areas prescribed in the Schedule to the Natives Land Act, No.27 of 1913, as amended from time to time, known as Scheduled Native Areas, and the areas defined in the First Schedule to the Native Trust and Land Act, No.18 of 1936, as amended from time to time, known as Released Areas. (121)

The practice that Natives should occupy specified areas was established long before the official introduction by the Government of its policy of segregation which aimed, on a national scale, at separation of the Whites and the Natives.

Historically it may be said that in the early nineteenth century, following the clashes between White settlers and Native tribes and the consequent settlement of boundary disputes and land rights, those areas which the Natives occupied were regarded as being for their sole use and occupation. In this way the Native land-holder was protected from unscrupulous White speculators who might otherwise have endeavoured to divest him of his land rights. From the middle of the nineteenth century the policy of annexation of land by the victorious Whites followed disputes and wars between the two races. This meant that large numbers of Natives fell under the political control of the White settlers. Native reserves and locations were maintained, as they made administration and control convenient. With the introduction after Union of South Africa's policy of segregation, the separation of the two races was confirmed and the Native reserves and locations, later to be referred to as Native areas, were regarded as the rightful homelands of the Native.

With the passage of the Natives Land Act (No.27 of 1913) which was the legal enactment establishing the policy of territorial segregation, the existing Native areas were clearly demarcated and set aside for sole occupation and ownership of the Native (in a few instances, with the consent of the Governor-General, exceptions were made). Because at this time most of the land area of the Union was owned by Whites, it was appreciated that to give the Native not in the employ of Whites sufficient land for occupation it was necessary to purchase additional land for him. Thus, in terms of the Act, Scheduled Areas set aside for Native occupation comprised the then existing tribal reserves as well as such land

as the Natives might have owned privately. The extent of the Scheduled Areas was 10,422,935 morgen which was 7.3% of the total area of the Union. Table 11 shows how these areas were made up.

TABLE 11

Scheduled Areas in terms of Natives Land Act (No.27 of 1913) in relation to Total Area of the Four Provinces stated in Morgen (122)

Province	Total Area	Scheduled Areas	%
Cape	83,700,000	6,217,037	7.5
Transvaal	33,400,000	1,159,296	3.5
Natal	10,650,000	2,972,312	27.9
O F S	14,800,000	74,290	0.5
Total for Union	142,550,000	10,422,935	7.3

A few small areas were subsequently added to the original Scheduled Areas and the Tomlinson Commission revealed that on 31st March, 1953, the existing extent of the Scheduled Native Areas was 10,729,433 morgen.

With the promulgation of the Native Trust and Land Act (No.18 of 1936) it was believed that final allocations of land for Natives had been made, and adequate areas for Native occupation had been finally provided. But the provisions of that Act have never been fully implemented. The Act made provision for the acquisition of 7,250,000 morgen of land for Native use in addition to the Scheduled Areas already used as Native settlements. The aim was that the additional land should, where possible, be purchased next to the existing reserves. Table 12 shows how these seven million morgen

were apportioned:

TABLE 12

Area in Morgen of Land for Native Occupation
in Four Provinces in terms of Native Trust
and Land Act (No. 18 of 1936) (123)

Province	Area in Morgen
Cape	1,616,000
Transvaal	5,028,000
Natal	526,000
O F S	80,000
Total	7,250,000

These further areas where Natives and the South African Native Trust could acquire and occupy land were termed Released Areas, for by this Act they were released or freed from the restrictions of the Land Act (No.27 of 1913). The Act provided for the establishment of a body known as the South African Native Trust in which was vested the ownership of the Crown Land in the Scheduled or Released Areas as well as any other land formerly demarcated for Natives.

For the purchase of these additional areas a sum of £10,000,000 over a period of ten years was to be voted by Parliament. Summarized in Table 13 are the details with regard to purchases of land made since 1936 and the balance of land still to be acquired.

TABLE 13

Land Acquired for Natives in Four Provinces since 31st August, 1936, and Balance to be Acquired as at 31st March, 1953, in Morgen. (124)

Province	Quota Obtained	Balance to be Acquired
Cape	638,619	977,381
Transvaal	3,580,106	1,447,894
Natal	175,393	350,607
O F S	78,740	1,260
Total	4,472,858	2,777,142

The Tomlinson Commission recorded that as at 31st March, 1953, the existing extent of the Released Areas was 6,789,544 morgen making a total of 17,518,977 morgen for the Scheduled and Released Areas. In other words the Scheduled and Released Areas comprised 12.9% of the total area of the Union. The Commission stated that it was of the opinion that, following the acquisition of all the land in the "Released Areas" the Native areas will be 19,611,468 morgen in extent or 13.7% of the whole area of the Union and not 17,979,433 morgen as was the original impression following the passing of the Native Trust and Land Act (No.18 of 1936). (125). The Commission's explanation for this is that the land acquired by Natives prior to the promulgation of the Native Trust and Land Act (No.18 of 1936) does not fall within the meaning of "quota land".

The location of the Native areas of the Union presents a fragmentary geographical picture. Map F (Appendix 4) shows the location of the Native areas in the Union of South Africa

and from it the greatest concentration of reserves is seen to be in the area along the coast between East London and Durban (126). Three small reserves are located in the Free State, viz. Witzieshoek, Thaba 'Nchu, and Seliba. In the Cape the reserves are found in the Ciskei, Transkei, Bechuanaland (which contains reserves round Mafeking, Kuruman, Taung, and Gordonia), and Griqualand West (where Native areas are located in the districts of Barkly West, Kimberley and Postmasburg). In Natal there are reserves in Zululand and Natal proper. (Zululand is that area to the north of the Tugela River; the remainder of the Province is referred to as Natal proper). In the Transvaal all the Native areas are north of Johannesburg and have remained the same as those to which, on the basis of the recommendation of the Natal Location Commission appointed in terms of the Pretoria Convention in 1881 and the Location Commission of 1905, the Natives were regarded as being entitled.

These Native areas have five chief administrative areas and the Native population distributed among them at the time of the 1951 census was: Ciskei 264,000; Transkei 1,202,000; Natal (including Zululand) 926,000; Northern Areas 927,000; Western Areas 314,000.

One of the most obvious features of the Native areas is that except for the very heavily settled urban areas (e.g. along the Witwatersrand) the Native areas are the most densely populated areas of the Union (see Map B, Appendix 4). Despite the fact that the census of 1951 revealed that only 2.6% of the total Native population lived in the reserves, the knowledge that 3,633,259 Natives are domiciled on

17,518,977 morgen of land is proof that, comparatively speaking, the Native areas show the greatest rural density of population. In 1936 the density of the population in the Native reserves was estimated at 82 persons per square mile while in 1951, with the Native areas being 57,933 square miles in extent and accommodating 3,633,259 persons, the density per square mile was 63. The most densely populated section of these areas is the south east section (i.e. Natal, Transkei, or Ciskei) with a density of 82 persons per square mile.

According to the 1936, 1946, and 1951 censuses the total Native population of the four Provinces was divided between White (rural and urban) and Native areas as follows:

TABLE 14

Percentage Distribution of Native Population of four Union Provinces between White and Native Areas at three Census Years (127)

Pro- vince	1936			1946			1951		
	Native Areas	White Areas	Total	Native Areas	White Areas	Total	Native Areas	White Areas	Total
Cape	70.69	29.31	100	65.66	34.34	100	63.5	36.5	100
TVL	24.25	75.75	100	19.61	80.39	100	21.0	79.0	100
Natal	58.19	41.81	100	55.17	44.83	100	53.0	47.0	100
OFS	3.53	96.47	100	3.94	96.06	100	3.5	96.5	100

From Table 14 it can be seen that since 1936 in the two former Republics the Natives have been domiciled predominantly in the White areas, while the reverse has been the case in the old liberal Cape and Natal.

As with the urban areas, the difficulty regarding accuracy of numbers in the Native areas lies in knowing just

how many Natives who, while regarding these areas as their permanent home, are temporarily absent from them during a de facto population enumeration. The Tomlinson Commission calculated that at the time of the 1951 census some 569,000 Natives were temporarily absent. Had the count been on the basis of a de jure enumeration, there would have been 4,202,000 Natives in the Native areas, which indicates that over half the Native population of South Africa regards these areas as their proper home.

It was anticipated by the Commission that, with the additional land made available for occupation and in the light of Government policy, from 1956 the Native areas would absorb an increasing percentage of the Native population. By the end of 1958, however, the anticipated absorption by the Native areas had not started and the White areas were still absorbing an increasing number of Natives.

The Tomlinson Commission considered that, in order to increase the carrying capacity of the Native areas, the consolidation of the reserves and their all-round development in the primary, secondary, and tertiary spheres was necessary. It was felt that through consolidation according to the natural homelands of the chief ethnic groups, there would be coherence of the present 260 unconnected localities and the present fragmentary pattern of the reserves would disappear. This recommendation is based on the belief that the Government policy of apartheid would thus be carried to a logical end and it visualized, through the expenditure of £104,000,000 on this scheme over the next decade, that within the next quarter-century the tribal agricultural life of the reserve would undergo

a radical change and a progressive industrial community with an active urban population, now non-existent in the Native areas, would emerge. (For map showing proposed Consolidation see Map G (128) and Appendix 4).

NATIVES IN RURAL AREAS OUTSIDE THE NATIVE AREAS

The Natives in rural areas outside the Native areas fall into two categories. By far the larger group comprises those Natives who live on White-owned farms while the second group comprises those on other farms.

Despite the fact that accompanying the population movement from rural to urban areas there has been a tremendous change in the field of economic activity, and that next to the Native areas the White farms over the past ten years have contributed largely to the growth of the Native urban population, the Union today, as over the past half-century, depends on the Native as its chief source of agricultural manpower. It is because of this demand for Native labour on the farms and because of the difficulty of obtaining it that Natives in rural areas outside the Native areas have always been a matter of keen interest to the South African Government. By means of legislative enactments efforts have long been made to ensure an adequate supply of unskilled Native farm labour.

There are primarily two systems by which Native farm labour is employed. Under the one, the Native receives besides wages in kind a specified monthly cash payment for his services. Under the second, the Native receives no monthly cash wage. This is referred to as the Labour Tenant System and in essence is that between the White farmer and the head of the Native family living on the farm there is a verbal

contract. In return for the right of the Native and his family to live on the farm, to graze a certain number of cattle there, and to cultivate a specified plot of land, he and a certain number of persons in his family must work for the farmer for a fixed number of days each year. By this system the Native had access to land and pasture ground and the White farmer his labour for a very small cash outlay.

The system promoted a stable family life for the Native who did not break from the tribal economy to which he was accustomed and it helped to lessen the numbers in the overcrowded reserves. However, with the introduction of modern farming methods the Labour Tenant System appears to have outlived its usefulness, and the percentage of Natives employed or living on farms or rural areas outside the Native reserves is decreasing while the appeal of industry is becoming greater. Table 15 illustrates this trend in the period between the census years 1936, 1946, and 1951.

TABLE 15

Geographical Distribution of Native Population Among Four Areas Showing Number of Persons and Percentage of Total Native Population in each Area for Three Census Years in Thousands (129)

Area	1936		1946		1951	
	Number	%	Number	%	Number	%
Urban Areas	1,244	18.9	1,888	24.1	2,312	27.1
Native Areas	2,962	44.9	3,267	41.7	3,633	42.6
White farms	2,053	31.1	2,187	28.0	2,590	30.3
Other Rural Areas	338	5.1	490	6.2	(1)	
Total	6,597	100	7,832	100	8,535	100

To cope with the problem of agricultural labour shortages, legislation was passed which aimed at the removal of

squatters from farms so that "redundant" Natives could be more profitably employed on other farms. In terms of the Native Trust and Land Act (No.18 of 1936) provision was made for the establishment of a Labour Tenant Control Board which could specify the number of labour tenants that certain areas could carry. This led to the displacement of many Natives, despite the fact that the Act laid down that the Government was legally obliged to provide land or employment for Natives so displaced.

Although comments have long been made about the preponderance of Natives in certain urban areas, attention must be drawn to the fact that according to the 1951 census figures there were 2,336,714 Natives on White farms as compared with a total White rural population of 571,014. The Natives outnumbered the Whites in a ratio of 4 to 1.

The position of the Union's Native population as a whole may be briefly summarized as follows:- On the basis of the 1951 census, the urban areas account for 27.1% of the total Native population, the Native areas for 42.6%, and 30.3% are domiciled in rural areas outside the Native reserves. Approximately 24% of this last group comprises Natives on White farms.

This chapter has related what might seem to be an impersonal story on a very personal subject -- human lives. It has been concerned with a study of the Native population from a quantitative aspect and has sketched a mere outline of facts and figures. The tale, however, does not end there, for about this series of facts and figures, bringing them into

sharp relief and giving them colour and light, hangs a living story of the sociological circumstances that direct the lives of those millions of Natives who at a population enumeration appear as figures in a table.

CHAPTER SEVEN

DOMICILE

Of the civil rights conferred, none is clearer and few more vital than the right to buy a home and live in it. (130)

No airy visions, no party doctrines, no party prejudices, no political appetites, no vested interests must stand in the way of the simple duty of providing beforehand for food, work and homes. (131)

The Immigrants' Regulation Act (No.22 of 1913) provides that:

Domicile shall mean the place in which a person has his present home or in which he resides or to which he returns as his place of present permanent abode and not for a mere special or temporary purpose. . . (132)

As was stated in an earlier chapter, the South African Native population falls, according to domicile, into three distinct categories. There are those Natives who permanently occupy the Native areas, those who reside in rural areas outside the reserves, and those who are domiciled in urban areas. This third group may again be divided into two classes. One comprises those whose only homes are in the towns; the other consists of those Natives who, as a migrant labour force, are temporarily resident in the urban areas, but who at the same time own property in the Native reserves. Because of this, the term domicile will, in this chapter, refer not only to the permanent home or place of abode of the Native but will include his place of temporary residence.

In the ensuing discussion an effort will be made to record the main legislative measures enacted during the period 1910-1958 that affect the domicile of the South African Native. This will include legislation as applied to the Native areas, other rural areas, and in the urban areas, with regard to residence and housing, rights of ownership, the acquisition of land, and territorial and residential segregation.

THE PRE-UNION PERIOD

With the exception of the Free State and with certain limitations in the Transvaal before Union, Natives could

purchase and occupy land anywhere. In terms of Chapter 23 of the Statute Law of the Orange Free State, Coloured persons (which term included Natives) were unable to have fixed property registered in their names except in a small area (the Moroka Ward) in the Thaba 'Nchu district. Law 16 of 1894 did, however, make it possible for Coloured persons who had lived and worked for a minimum period of five years in the Orange Free State and were not under the jurisdiction of tribal chiefs and could produce certificates of good civil and moral behaviour to have plots or buildings in the towns registered as their property.

Die kleurlingen gewoonlijk genaamd "Bastaards", welke gedurende vijf jaren in den Staat hebben gewoond, en eenige ambacht uitoefen, en geene onderdanen zijn van eenig naturellen opperhoofd, kunnen erven en gebouwen op de dorpen in eigendom geregistreerd krijgen, mits zij van den Landdrost van het district hunner woning en van den plaatselijken Stadsraad, Municipale Commissarissen en Dorpsbestuur certificaten van goed burgerlijk en zedelijk gedrag en aanbeveling ten genoegen van den Staatspresident overleggen. (133)

Although, in the Transvaal, Natives in terms of the 1881 Pretoria Convention could acquire land, they were never able to become private landholders, because in practice the Government acted as trustee on their behalf in any land transaction. (134) In a Supreme Court ruling of 1905, however, the Natives' claim to hold land as individual landowners in their own names in the Transvaal was recognized. (135) In the Cape and Natal there were no legal or administrative obstacles which prohibited Natives from acquiring land in freehold or in leasehold -- in fact they had every right to purchase land in the open market.

The South African Native Affairs Commission (1903-1905)

after careful deliberation on the question of race relations advocated a territorial separation of the races, and in a majority report stated its opinions and recommendations as follows:

- (1) That the time has arrived when the lands dedicated and set apart, or to be dedicated and set apart, as locations, reserves or otherwise, should be defined, delimited and reserved for the Natives by legislative enactment.
- (2) That this should be done with a view to finality in the provision of land for the Native population and that thereafter no more land should be reserved for Native occupation.
- (3) The creation, subject to adequate control, of Native locations for residential purposes near labour centres or elsewhere, on proof that they are needed.
- (4) That the right of occupation of the lands so defined and set apart shall be subject to a condition of forfeiture in case of rebellion. (136)

NATIVE AREAS : LEGISLATION 1910-1958

White leaders at the time of Union accepted the view that certainly as far as land was concerned there should be separation of both races. White public opinion was attuned to the idea of separate areas for black and white. It is, in elaboration of this point, interesting to refer to an extract from the House of Assembly Debates of 1913. On 9th May, 1913 the Honourable J.W. Sauer, then Minister of Justice and Native Affairs, speaking at the Second Reading of the proposed Natives Land Bill said that:

Recently there had been a good deal of discussion on the question of segregation. Personally, he had never been able quite to understand what that meant. If it meant that there must be a complete separation between Europeans and Natives, so that they would not come into daily contact with each other, then it was an impossible proposal. The provisions proposed under the Bill were far less drastic than what some people meant by segregation,

and he hoped, far more feasible. He proposed in this Bill that the bulk of the two races, the European and the Native, should live in the main in separate areas -- that was, that they should occupy and acquire land in separate areas. It, therefore, did not deal with those, and there were a very considerable number, who went to European centres to obtain work. (137)

The initial post-Union legislative step which embodied the principle of territorial segregation and the separation of land rights between Natives and non-Natives, was taken when the Union Parliament passed the Natives Land Act (No.27 of 1913).

Although one of the objects of the Act was to check the increasing land purchases being made by Natives and the consequent penetration by them into the White areas, (this was particularly evident in the Transvaal where following the British occupation in 1902 and the subsequent relaxation of the Republican laws, Natives began buying land) its main purpose was to reach a permanent settlement with regard to the land position -- a settlement, as recommended by the South African Native Affairs Commission, which was to be based on the principle of possessory segregation, i.e. segregation which demarcated certain areas where the Native might own land but where he did not necessarily have to reside. The Act, which in itself was regarded as an interim measure pending the report of a Commission which in terms of Section 2 of the Act would provide for the more definite demarcation of Native areas, in theory withdrew the valued right of the Native to purchase land anywhere. Through its provisions Native areas became pegged and Native landownership confined to the reserves. It did, however, compensate the Native for this loss with the promise that additional land for the sole

occupation of and purchase by Natives would be provided by the Government.

The essence of this Act, aiming as it did at a uniform policy of territorial segregation, is contained in Section 1 which provided that, except with the approval of the Governor-General, no-one other than a Native could purchase, hire, or acquire land in Scheduled Native Areas which were set out in a schedule to the Act and comprised the then existing reserves. Conversely, the Act restricted the acquisition of land by a Native outside the Scheduled Areas.

To implement the principle of segregation embodied in the Act, it was necessary to determine exactly what areas should be set apart in which Natives and Whites respectively could acquire land by purchase or hire. Since Whites owned most of the Union's land areas, the provision of additional land for Native occupation involved the purchase of land back from Whites. The Government clearly recognized the fact that the Scheduled Areas were totally inadequate to meet the land needs of the Natives.

The Minister of Justice and Native Affairs, the Honourable J.W. Sauer, at the Second Reading of the Natives Land Bill, anticipated the difficulty of applying its provisions to the Cape.

As regarded the Cape, he had said that the Law was practically the same as the Transvaal, but so far as this Bill went at present the provisions of this Act would not be applied to the Cape. When he first drafted this Bill, provision was made to include the whole of the Union, but he thought that in dealing with a question of this kind it would be wise to have a uniform legislation over the whole of the Union. But his difficulty was this. Under the provisions of the

In 1929 Hertzog's Natives Land Amendment Bill was introduced. This Bill aimed at creating in the four Provinces Released Areas where, in competition with each other, Whites and Natives could buy land. This meant that Natives in these areas were not permitted to be preferential buyers. These areas were less than the total area recommended by the Beaumont Commission and the five Local Committees. The Bill further aimed at the establishment of a Natives Land Purchases and Advances Fund, and at bringing the Cape into line with the other Provinces so that the adult male Natives in that Province would lose their right to buy land anywhere. The Bill never became law but mention is made of it for the purpose of emphasizing the point that efforts were being made to solve the land question, and some of the provisions of this Bill were, in 1936, to be incorporated into the Native Trust and Land Act (No.18 of 1936).

In terms of the 1913 Land Act, the Governor-General was given the right and power to sanction certain Native land purchases in the areas recommended in the preliminary reports of the Commissions appointed under the Act. Use of this power did relieve, though inadequately, a pressing need for land. The Native Lands Adjustment Act (No.36 of 1931) and the Native Lands Further Release and Acquisition Act (No.27 of 1935) dealt with the authorization of certain land transactions and the extension of certain provisions of the Land Act 1913 to certain areas.

Though the restrictive provisions of the Land Act of 1913 and its amendments up to 1935 were on the whole immediately effective, and despite the fact that attempts were made

to allocate more land for Native occupation, it was 23 years before the promise to make further provisions of land was partially fulfilled.

The Native Trust and Land Act (No.18 of 1936) was the legislative measure which aimed at the implementation of the recommendations of the South African Native Affairs Commission of 1903-1905 and at reaching finality regarding the provision of land for the exclusive use of Natives. As an integral part of his segregation policy Hertzog visualized the reserves as the means of maintaining tribal cohesion. He hoped to see the Natives in possession of the land which he considered became their rightful heritage under the 1913 Act. It was indeed believed that this Act would make good the deficiency of the 1913 Act and would settle all future Native claims to land in South Africa.

The Minister of Native Affairs, the Honourable P.G.W. Grobler, speaking at the Second Reading of the Native Trust and Land Bill, said:

If it becomes law, it will remove many of the difficulties at present experienced by my department in providing accommodation for the Natives, and it will make it possible to apply amendments in the Natives Urban Areas Act which are under consideration. There is nothing which agitates the Native mind more today than the cry for more land, and the uncertainty of our land policy has been the cause of many of our difficulties in Native administration. (140)

Hertzog realized that the overcrowded reserves had been largely instrumental in driving Natives to the towns and in an endeavour to relieve the position the Act specified additional areas, termed Released Areas, within which Natives could acquire land.

Section 4 of the Act provided for the establishment of the South African Native Trust which was, on behalf of the Natives, to acquire additional lands within specially designated Released Areas allotted between the four Provinces according to a fixed schedule. Vested in this Trust were:

- (a) All Crown land which has been reserved or set aside for the occupation of Natives;
- (b) All Crown land within the scheduled Native areas, and all Crown land within the released areas. This Crown land not to include land which has been reserved for public purposes so long as it remains so reserved, or if declared a demarcated forest under the Forest Act (1913 No.16) or which included in or used for a Government irrigation scheme prior to the commencement of this Act, or which is legally held by a person other than a Native at the commencement of this Act for so long as it continues to be held by any person other than a Native. (141)

The Trust was authorized to acquire a maximum of 7,250,000 morgen of land in addition to the 10,000,000 morgen allocated as reserves in the Scheduled Areas of the 1913 Land Act. The function of the Trust, however, was not limited to the purchase of additional land for Native occupation; the Trust was also to be responsible for the development and promotion of agricultural and pastoral industries in the reserves and for the general material, moral, and social well-being of the reserve Native.

To finance the purchase of additional land and to carry on the required improvements and development in the Scheduled Areas as well as Released Areas, a trust fund, known as the South African Native Trust Fund, was established in terms of Section 8. This fund, though mainly dependent on Parliamentary grants to be made over a period of five years, was financed also from money received in respect of fees and fines paid

by Natives and of the sale or hiring of land.

The Act, in providing for the purchase of additional land, (which was to mean that the distribution of land between Whites and Natives was to be finally settled and that land in the reserves was guaranteed to the Natives and protected against White acquisition), abolished the right of the Natives in the Cape to buy land outside the reserves. By 1936 the Cape, in this respect, fell into line with the other three Provinces and no longer could the Cape Native enjoy the privilege of buying land outside the Scheduled and Released Native Areas.

It is interesting to note that Mrs. E.B.Jones, in elaborating on a statement made in a report of a Native Farm Labour Committee (1937-1939) that the labour provisions of the 1936 Native Trust and Land Act had done much to aggravate the sense of dissatisfaction with which the Land Acts had been received by the Native people and that this discontent was a contributory factor to the shortage of farm labour at that time, stated:

Thus, far from resulting in the establishing of a Native peasantry, the Native Land Policy of the country may result only in the Native areas being rural depositories for Native women, children and cattle, and resting places for Native men during periods of economic inactivity through unemployment or otherwise. (142)

These words, viewing the situation from the vantage in time of 1958, have proved prophetic.

When the Nationalist Government came into power in 1948, it followed the lead of Hertzog in viewing as the main cornerstone of its Native policy the development of the

Native reserves into self-contained areas. The Native Laws Amendment Act (No.56 of 1949), the Native Laws Amendment Act (No.54 of 1952) and the Native Trust and Land Amendment Act (No.18 of 1954) introduced restrictions that aimed at preventing the wasteful subdivision of Native-owned lands. The passing of the Bantu Authorities Act (No.68 of 1951), which had self-government for the Natives as its basic aim, provided for the establishment of tribal, regional, and territorial authorities in the Native areas and indicated the Government's efforts to recreate the Native tribal home.

The Native Trust and Land Amendment Act (No.18 of 1954) made it necessary for Natives to obtain the Minister's consent to any subdivision or partition of Native areas. Consent was also required for the alienation or lease to a Native of any land which was partitioned or subdivided after July, 1949. In terms of this provision the Minister could lay down such conditions as he considered necessary regarding the use and occupation of any such land. Furthermore, the Governor-General could make regulations concerning the proper management and preservation of land held by or on behalf of Natives. To ease the land position the Native Trust and Land Amendment Act (No.73 of 1956) gave the Governor-General power to make regulations to declare certain areas "released". A clear indication that the Government was endeavouring to implement, to some extent through legislative measures, the recommendations of the Tomlinson Commission by creating Bantustans, i.e. separate black states with the eventual abolition of White control, is seen in the passage of the Native Trust and Land Act (No.41 of 1958). This Act emphasises the fact that not only are the Native Trust Fund monies to be used for agricultural and

pastoral development in the reserves but also for their economic and industrial development.

The Native Affairs Commission in its 1936 annual report (U.G. 48 of 1937) expressed the hope that through the State policy of the development of the reserves the establishment of a prosperous and industrious Native peasantry would eventually come about.

The conclusion of the Native Economic Commission of 1930 that a cure for most of our economic ills lies in a "wise and courageous forward policy of development of the reserves with a view to the proper synthesis of our wealth producing factors" has been fully apprehended by the State in the passage of the Native Trust and Land Act. The development of the reserves is now being energetically pushed forward. But such development must inevitably occupy a number of years before it will have any appreciable effect in stemming the tide of migration to the towns in search of the adventure and excitement which cannot be found in the peaceful development of the reserves. (143)

Due, however, to the original failure to provide sufficient land for Native occupation, and to lack of foresight, congestion and overcrowding of the reserves have become progressively worse. It is characteristic of the present-day Native reserves that the farming operations are the responsibility of the women and children, while the able-bodied males migrate to the towns to work for the Whites so as to earn sufficient cash wages to meet their tax and other commitments.

RURAL AREAS OUTSIDE RESERVES : LEGISLATION 1910-1958

Although in the framing of South African Native Policy particular emphasis has always been placed on the distinction between those Natives in the reserves and those in the urban areas, we should not lose sight of the fact that those

domiciled in rural areas outside the Native reserves form a significant section of the South African Native population. To see, in the right perspective, the legislation affecting the domicile of the Native in the rural areas outside the reserves for the period 1910-1958, it is useful to have a background of the conditions existing in the four Provinces prior to Union.

The whole question of the domicile of these Natives is essentially interwoven with the labour relationship between black and white. In all four Provinces prior to Union there were laws and regulations which placed restrictions on the number of squatters that White farmers were permitted to accommodate on their farms.

Prior to 1910, as has already been pointed out, there were no restrictions in the Cape regarding the purchase of land by Natives. From 1878 onwards, however, various Acts had been passed limiting the residence of Natives on White farms to those who were bona fide employees. Natives not bona fide employees but domiciled on a farm constituted a private location. A private location, in terms of Act No.8 of 1878, was interpreted as more than five huts occupied by Natives not employed by the farmer and erected within an area of one square mile of the farm.

By Native location is meant any number of huts or dwellings exceeding five within an area of one square mile, occupied by any of the Native races, such as Kafirs, Fingoes, Basutos, Hot-tentots, Bushmen, and the like, such occupants, in case such huts or dwellings shall be situate on land which is private property, not being in the bona fide and continuous employment of the owner of such land, either as his domestic servants, or in or about the farming operations,

or any trade, business, or handicraft by him carried on upon such land. (144)

In terms of Section 3, no Native location could be established or continue to exist without a licence from the Governor. Subsequently, several legislative alterations were made to this definition until in 1909 the Private Locations Act (No. 32 of 1909) (Cape) was promulgated. This Act provided in Section 4 that no person could erect a private location on his ground without a prescribed licence. A private location was defined in terms of Section 2 as any number of huts or other residences situated on private property that were occupied by one or more Native male adults that were not employees of the farmer. By the time the four Provinces united to form the Union the adult male Natives domiciled in the Cape in rural areas outside the reserves constituted the following groups: Ordinary tenants in licensed private locations, labour tenants in private locations, farm owners, full-time labourers on farms owned by White persons, and, lastly, Natives hiring land from White owners under specified conditions.

The Squatters' Law (No. 21 of 1895) was the main legislative measure handling the Native in rural areas in the Transvaal in respect of domicile prior to 1910. Its main feature was, except in cases of special permission from the Government, the limitation to five the number of Native families permitted to live on a White farm. Rogers, in discussing the efficacy of this law states:

It was never found practicable, either under Republican regime or subsequently, generally to enforce the restrictions imposed under the law. (145)

The reason why this restriction was never thoroughly effective was that any White bywoner or tenant resident on a farm could with the land-owner's permission also keep five Native families -- in this way large numbers of Natives could be resident on one farm.

In terms of the Native Passes and Squatting Law (No.4 of 1895) of the Orange Free State, not more than five Native families could reside on a White farm. Exception to this was made in cases where Natives were employed on farms in a temporary capacity. This provision permitted of much evasion of the law.

To prevent unlicensed squatting and to regulate the occupation of land by Natives, Ordinance 2 of 1855 (Natal) provided that Natives had to have permission from the owner to occupy any land in the rural areas of Natal owned by Whites. No owner or occupier of land could accommodate more than three Native families without annually submitting to the local Magistrate the number of Natives resident on the farm, the number of huts occupied by these persons, and details regarding any service contracts entered into between the farmer and the Native. Provided these regulations were adhered to there was in actual fact no real limit to the number of Native families a White farmer might house on his farm.

The South African Native Affairs Commission 1903-1905, in its recommendations, emphasized that, in order to help farmers to obtain Native labour, efforts should be made by the four Provinces to enforce the laws controlling squatting -- a term used to describe the renting of land by Natives who did not in exchange for land give service to the farmer.

Brookes, in his History of Native Policy, when discussing the Land Act of 1913, states that while the Act was primarily intended to lay down for South Africa as a whole the principle of possessory segregation,

in the second place it was intended to put pressure on Europeans and Natives alike with a view to checking squatting on private farms, and to increase the labour supply by virtually forcing the 'squatters' to work for ninety days per annum. (146)

One of the most important objects of this Act was to stop the practice commonly known throughout the country as "Kaffir-farming". It aimed at the restriction and eventual elimination of squatters, who were regarded as working the soil uneconomically, and their replacement by labour tenants or labourers. The future of the Native in the rural areas outside the reserves was to be based on the principle of labour tenancy, and any independent agricultural or pastoral undertakings by Natives had in future to be confined to the Native areas. A labour tenant is the term used for a Native who in return for being allowed to live on a farm gives the owner at least 90 days service annually. He does not have to pay rent to the farmer, but merely renders service. MacMillan, in discussing the farm Native in the light of the 1913 Land Act, declared that he had no hope of economic independence;

To earn a roof to his head and the right to a prescribed minimum of garden and grazing land the individual must bind himself, and in practice the whole of his family as well, to do at least 90 days' work a year -- before long it became 180 days -- his tenancy of his home lasting only as long as he performs this service . . . the limited use of land allowed him often became the larger part, if not the whole, of his wages. (147)

There was, it was found, much evasion of these provisions. The Cape with its legal protection over the property qualifications for the franchise was not affected by the squatter provision. In the Transvaal and Natal, although no new contracts could be entered into re-leasing or renting land, contracts already registered could be continued between the same Natives and Whites on the farm until such time as the owner ejected the Native. (This did, however, mean that Natives were bound to the same landlord.) In the Free State, Natives were prohibited from renting land either for cash or on a produce-sharing system, so that Natives either had to become labour tenants or go to live in the Native areas. However, where the landlord chose to ignore the law, it was easy to evade the provisions of the Act.

The Act aimed at ensuring labour for the Whites but did not expressly aim at deporting surplus Natives to the Native areas. Although the bulk of the rural Natives remained in the White areas and became labour tenants, some Natives did as a result return to the reserves, a factor which gravely disturbed the economy of the already overcrowded Native areas.

The Act certainly restricted squatting on farms. The counterpart to the restrictions on squatting was the provision made in the Act for the acquisition of more land for the sole occupation of Natives. This constructive measure was an endeavour to handle the displaced rural Native. It was appreciated that these squatters could not be accommodated by the already inadequate reserves and if there was no land for them in the reserves the inevitable result would be an uncontrolled

drift to the towns. The consequences of this would be twofold. First, the Native would compete with the White man in the field of industry; second, farmers would experience increased difficulty in recruiting Native labour when the towns could offer more lucrative and attractive labour terms. Altogether the development and extension of the reserves was seen as a means of restoring the economic equilibrium of the rural Native and effecting his withdrawal from industrial competition with the Whites.

The salient provisions of the Native Service Contract Act (No.24 of 1932) are contained in Section 9 which lays down that the Governor-General may by proclamation define any area as falling under the terms of the Act with regard to the tax on landowners on whose land certain Natives are domiciled. It would appear that the Act was mainly concerned with the position of the rural Natives on White-owned land in the Transvaal and Natal, because in the Cape there was property protection and in the Free State the position was clearly defined. In introducing the Second Reading to the Bill the Minister of Justice, the Honourable O. Pirow, said that the proposed Bill contained three principles, the third being:

to put an end as far as possible to the position which is more and more deeply eating like a cancer both into the Transvaal and Natal, viz. Native farming as it is called by the public. Large land companies, and also individual owners, very often establish private Native locations on their land in conflict with the law by evading the law, and very often even in terms of the law. In that way accumulations of Natives arise which demoralize them. (148)

As Rogers states:

The intention of Section 9 is to place further obstacles in the way of anything in the nature of 'kaffir farming' and to compel European owners to keep upon their farms only such Natives as are necessary to meet their bona fide labour requirements. (149)

The Act specifies that every landowner is liable to a tax of £5 in respect of each Native domiciled on his farm if during the course of the year the Native has not worked for his landlord. Although the Act was never strictly enforced, it definitely aimed at preventing the evasion of the restrictive provisions of the 1913 Land Act which were to end all squatting by making all Natives resident in White rural areas labour tenants. In other words, the rural Native was being legally obliged to enter into labour contracts with White farmers.

Chapter 4 of the Native Trust and Land Act (No.18 of 1936) deals with the domicile of Native workers on farms. These provisions, it would seem, were introduced with the express purpose of relieving the Union's shortage of farm labour by promoting a better distribution of labour and eliminating from White-owned land all Natives not in the service of the farmers. The Act aimed at the eradication of the squatting system, a more marked control over the labour-tenant system, and the encouragement of full-time labourers on the farms. In its section dealing with the interpretation of terms, the Act distinguishes three classes of Natives living on farms: servants, labour tenants, and squatters. A servant is defined as being:

In relation to the owner of land, any Native bona fide and continuously employed by the owner under contract in domestic service or

in or about farming operations, or in any industry, trade, business, or handicraft, including prospecting and mining operations carried on by the owner on his land.

A labour tenant is defined as:

In relation to land or the owner thereof, a native male adult (other than a servant) the services of whom or of whose family are actually and bona fide required by the owner for domestic services or in or about farming operations carried on by the owner on such land or on any other land held by him, or in any other industry, trade, business or handicraft carried on by him on the land where such labour tenant resides and who, or any member of whose family dependent upon him, is obliged to serve the owner in terms of a contract which if it requires services to be rendered for a total period in excess of 180 days, has been entered into in writing in the presence of a Native Commissioner, but does not include any native male adult who in respect of his occupation of the land of the owner, gives, except as provided in Section 43 any consideration other than the services aforesaid.

A squatter is defined as being:

In relation to land or to the owner thereof, a native male (not exempted from the provisions of Chapter IV and Section 34 nor being a dependent as herein defined) who is or appears to be of, or over, the age of 18 years and is at the date of the application of the provisions of that Chapter to that land residing thereon, if such native is neither a servant nor a labour tenant as herein defined. (150)

In terms of Section 26 of Chapter 4, a Native is prohibited from residing on land which in terms of this Act has been proclaimed by the Governor-General outside the Scheduled Areas and Released Areas, and on land within Released Areas but not owned by either the South African Native Trust or a Native (that is all land except Native territories and urban areas) unless he is:

- (a) the registered owner of such land,
 - (b) the servant of the owner of such land, or
 - (c) registered as a labour tenant under this Chapter or
 - (d) registered as a squatter under this Chapter or
 - (e) otherwise exempted from the provisions contained in this Chapter.
- (2) The wife (including any woman who lives with him as his wife), or the child (not being a male over eighteen) of any such registered owner, servant, labour tenant or squatter or any member of his family actually dependent upon him for support shall not fall within the prohibitions of Sub-section (1). (151)

A contravention of this section of the Act either by the Native or the farmer is regarded as a punishable offence. A Native falls into the class of squatter and must be registered if he is lawfully living on Crown Land but is not a lessee or otherwise permitted to be there.

The Act made provision for the setting up of Labour Tenant Control Boards in certain proclaimed areas. Their purpose was to determine how many labour tenants each farmer was entitled to employ. Those in excess of the estimated requirements of the farmer would be regarded as redundant and were to leave the farm. Section 27 provides for the registration by the landowner of labour tenants. Further important provisions of the Act are to be found in Section 32 which provides for the registration of squatters, and in Section 33 which provides for the licensing of squatters by the Native Commissioner of the district. The fee in respect of squatters was on a rising scale to a maximum of £5 in the tenth year -- this emphasized the provision made previously in 1932 but which had been evaded by farmers, and aimed at discouraging squatting.

In an attempt in 1937 to implement these provisions it was laid down that by Proclamation No.264 of 1937 (dated

24th December, 1937) they would apply to certain areas. From 1st January, 1938, the provisions of Chapter 4 were applied in terms of this Proclamation No.264 of 1937 to a portion of the District of Lydenburg in the Transvaal and 180 days instead of the usual 90 days was proclaimed the period of service which labour tenants had to render. This led to much dissatisfaction among the Natives who preferred to leave the area rather than be obliged to work for double the time. By Proclamation No.218 of 1940 (dated 8th November, 1940) Proclamation No.264 of 1937 was repealed and thus the application of Chapter 4 of the Act (No.18 of 1936) to Lydenburg was revoked.

In terms of Section 34 certain Natives, e.g. teachers, ministers, chiefs, headmen, chronically-ill Natives, scholars over eighteen years, and government employees, were given special permission to reside without registration and licensing on land to which the provisions of Chapter 4 applied, provided that the farm owner expressed his willingness for them to be there and provided that the Magistrate or Native Commissioner agreed. While Section 36 of the Act provides for the ejectment of Natives unlawfully residing on land, Section 38 states that it is:

The duty of the Government in its Department of Native Affairs to make such provision as may be necessary and adequate in the opinion of the Minister for accommodation in a scheduled Native Area or a released area and on such conditions and terms as may be prescribed by regulation any Native displaced from land outside a scheduled Native Area or a released area by reason of the operation of the provisions of this Chapter, or of the Natives Urban Areas Act 1923 or any amendment thereof. (152)

In introducing the Native Trust and Land Amendment Bill to amend the 1936 Native Trust and Land Act the Minister of Native Affairs, Senator the Honourable Dr. H.F. Verwoerd, in 1954 emphasized the fact that the new Bill, by evicting Natives from farms where they were unproductive squatters and making them work for farmers who needed labour, would introduce a fairer and more equitable distribution of labour. He stated in the House of Assembly on 22nd February, 1954:

The crux of the Bill is concerned with an Amendment of Chapter 4 of "Native Trust and Land Act of 1936" . . . Chapter 4 deals with the question of what is sometimes called "Kaffir-farming". It consists of two forms. There are farms on which persons keep large numbers of Natives, not against the payment of rent nor to meet the immediate labour requirements but with a view to possible future labour requirements. That means that the person who is well-to-do and who has a large tract of ground or a number of farms, sometimes makes use of his land to create a labour reservoir for himself, and from that reservoir he can then draw as little or as much labour as he may need from time to time. The result is that the farmer with less land and who is less well-to-do may experience a labour shortage while this person is really accommodating surplus labour. This is one form of squatting, as it is called, which must be combated.

Then there is a second form of squatting, and this is almost a more serious type, namely where persons instead of farming with maize, wheat or stock on the farm, use the farm as a source of income through unlawful letting and drawing rent from people residing there. This is becoming a very serious problem in the vicinity of certain big cities.

It is to combat these two forms of squatting that Chapter 4 was inserted at the time in The Native Trust and Land Act. Even then it was no novelty. The problem of squatting existed even before Union and everyone of the four separate areas tried to combat this problem by means of legislation. (153)

Dr. Verwoerd continued by saying that the problem of squatting in the pre-Union period was not half as serious as in 1936 when Chapter 4 was inserted in the Act and at that

time it was less serious than in 1954. He pointed out that the failure of the application of Chapter 4 to the Lydenburg District showed that those provisions must be applied simultaneously to large areas and not to isolated districts. He realized that the Labour Tenant System could not immediately be abolished and he anticipated a gradual process. He said:

It must be admitted that in certain parts of the country it still constitutes a very important source of labour, as we have inherited it from the past. It is not practical simply to abolish it at the present time. For that reason it is being allowed to continue, but it must continue under certain restrictions . . . The basic idea is now that it is assumed that for every farm five such families are necessary -- five labour tenants. If it needs more and if it is an area where use has to be made of labour tenants, the intention is not to put obstacles in the way of obtaining this form of labour, but the farmer must obtain that form of labour in a way which convinces us that he really needs it and that it is not just an excuse for squatting in the worst sense of the word.

The intention of Chapter 4 as adopted in 1936, was that this sort of squatting should be stopped. It was to be eradicated completely. But in order not to let the process proceed so fast that the country would experience difficulty in taking up the evicted Natives, provision was made that a farmer had to register them and at the same time to pay a yearly licence fee to the State, a licence fee which is doubled every year so that eventually the amount he has to pay is so high that it is not economic for him to allow such people to be on his farm . . . The underlying idea of the legislation of 1936 probably was that the result would be that some of them would be evicted in the first years already, and that those people would be able to be absorbed and that as the pressure of the increased fee which has to be paid by the farmer for the privilege of permitting squatting on the farm increases, gradually more and more would be pushed out. The idea was that in 30 years they would all have been pushed out. Under present circumstances the position is such that if we collect the fees provided for in the Act, that pressure will not be exercised. It is therefore necessary in this amending Bill to increase those amounts appreciably, and seeing that almost 16 years have passed since that time, to increase it to such an extent that squatters will be completely removed from the land possibly within 15 years. In other

words, what is being done here in terms of this amending Bill is to adopt the same basic ideas as were agreed on in 1936 and to apply them to present circumstances, and then to ensure that the measures applied today under present circumstances will be practicable and will show results. (154)

The Bill was adopted and became the Native Trust and Land Amendment Act (No.18 of 1954). Unlike the 1936 Act, this law removed the legal obligation on the Government to provide land for those Natives displaced by the provisions of the Act. In terms of this legislation the Minister of Native Affairs may make such provisions as he deems necessary and adequate for the resettlement in a Scheduled or Released Area of any Native ejected from land outside a Released Area, if that land has been occupied by the Native for so long and under such circumstances that the Minister is of the opinion that the Native could have assumed that he would be allowed to remain on that land. The fact that the Minister is not bound to provide alternate accommodation must result in an ever-increasing number of displaced persons, with adverse effects on the country's economy.

The 1954 Act made provision for the keeping of an up-to-date register of farm labour. The White farmers were called upon to submit to the Department of Native Affairs details about the Natives they employed. Except where more were permitted by the Labour Tenant Board, the number of labour tenants on each farm was restricted to five. The Board could cancel the registration of labour tenants if it was considered that the farmer had more than he required. The restriction on squatting took place through the increase in registration fees payable in respect of squatters. Section 6 provided

that if labour tenants were not domiciled on the farm on the date from when the Act applied they could only be recognized as such if the Labour Tenant Control Board in the area where the farm was situated had given its approval.

In terms of Section 10 only squatters who had lived continuously on a farm since 31st August, 1936 and whose presence had been reported in accordance with the Natives (Abolition of Passes and Co-ordination of Documents) Act (No.67 of 1952) have the right to be registered. To be registered otherwise as a squatter required the consent of the Minister of Native Affairs. This consent could be subject to such conditions as length of stay or anything else the Minister determined. Section 11 made provision for the squatters' licence fees to be on a graduated scale, commencing at £1 for the first year and rising to £16 for the ninth and subsequent years. This meant that eventually the farmer would be paying more in tax than he was getting in from the squatters so that the once profitable system of renting land would cease to be a paying proposition. In terms of the 1936 Act the period for which squatters' licences could be renewed was 30 years, while this Act reduced the renewal period to fifteen years.

Chapter 4 of the 1936 Act and its amendments with regard to labour tenants and squatters was applied to the whole Union as from 1st September, 1956. On farms where, prior to this date, there were no labour tenants there could be no new registration of labour tenants unless permission was first obtained from the Labour Tenant Board. In terms of the Native Trust and Land Amendment Act (No.73 of 1956) the Government reinforced its policy of discouraging the squatter

may leave their wives and children if they wish to seek work in the town, the development of villages in the Native areas is planned.

URBAN AREAS : LEGISLATION 1910-1958

Although since Union, and particularly during the decade since 1948, the urban Native has been the subject of considerable legislative concern, prior to 1910 and during the early years after Union the matter of the town Native was regarded and treated as one of minor importance.

The first official specific reference to this matter of control of Natives domiciled in urban areas appeared in the Report of the Department of Native Affairs for the years 1913-1918, (U.G.7 of 1919). This report stated that:

Before Union the control and administration of matters affecting natives in urban areas were vested in the local authorities having jurisdiction. These functions were exercised through regulations framed under statutory powers and subject before promulgation to the approval of the central Governments of the various colonies. There were thus two ways in which the law regarding such natives might differ from colony to colony. In the first place the powers granted by statute to the local authorities varied to a very great extent, and, in the second place, the policy of one central Government, as demonstrated by its oversight of regulations, was to restrict the actions of local authorities, while that of another was to allow every latitude in the control of the Native population. (156)

With the exception of the Ndabeni and New Brighton locations which were situated in Cape Town and Port Elizabeth respectively and which fell, in terms of the Native Reserve Locations Act (No.40 of 1902), under the control of the Cape Government, the local authorities in the four Provinces prior to Union could control and administer matters with regard to

the Native population resident in their areas as they chose, although they were subject to the approval of the Government of the Province.

In the other towns in the Cape (i.e. apart from the two above-mentioned locations) there existed special municipal statutes which made provision for the control and management of Native locations and also, in some cases, for making the residence in locations compulsory. In the remaining towns the Public Health Amendment Act (No.23 of 1897)(Cape) gave local authorities the power to make bye-laws for regulating the use of Native locations and for the maintenance in those locations of good order, cleanliness, and sanitation, and for preventing overcrowding and the erection or the use of unsatisfactory accommodation.

Act No.2 of 1904 pertaining to Natal gave Town Councils in that Province the power to establish Native locations and to make regulations for their control. In terms of Section 2 of the Act it was compulsory for all Natives to live in these locations. Section 3 did, however, enumerate certain Natives who were exempt from the provision of Section 2. In the towns of Durban and Pietermaritzburg local authorities had the right to demand the registration of Native servants within their boundaries.

As in Natal, the local authorities in the Transvaal were empowered to establish locations for Natives, to make regulations for their control and administration, and to compel Natives to live in them. The registration of servants in the Transvaal was governed by the terms of the Urban Areas Natives Pass Act (No.18 of 1909).

In the Orange Free State, as in Natal and the Transvaal, the local authorities were vested with the right to establish locations where Coloured people (the term included Natives) had to live, and to arrange for the control and management of the locations. By municipal ordinance local authorities could make regulations with regard to the registration of servants.

The pre-Union position in respect of the urban Native may be generally viewed as definitely unsatisfactory. Local authorities did not fully realize and undertake their responsibilities concerning the provision of decent living conditions for their Native urban population and the statutory powers were not sufficiently adequate to promote satisfactory administration.

After Union the question of the control of the Native urban population was not easily settled. By Section 85 of the South Africa Act of 1909 the control of municipal legislation and administration was placed in the hands of the Provincial Governments while in terms of Section 147 the control and administration of Native affairs was vested in the Governor-General-in-Council. The problem thus presented itself as to whether the local authorities in framing regulations in respect of urban Natives were to be subject to Provincial or Government control. It was eventually settled that in order to bring about uniformity in Native policy and to ensure satisfactory supervision over locations it was in the Natives' interests that the Native Affairs Department, i.e. the Central Government, should be the recognized authority in respect of Native affairs and the approval of the Central

Government was required for regulations affecting urban Natives. The Native Affairs Department was thus called upon to supervise the local authorities' handling of Native affairs and at the same time to introduce legislation which would consolidate the existing laws in the four Provinces.

It became increasingly evident from reports from such bodies as the South African Native Affairs Commission 1903-1905 (Report Cd.2399), Assaults on Women Commission 1913, (Report U.G. 39 of 1913) and the 1914 Tuberculosis Commission (Report U.G. 34 of 1914) that the conditions under which urban Natives were living were far from satisfactory, that the growth of Native settlements was haphazard and uncontrolled, that the administration of laws was faulty, and that those local legal enactments endeavouring to deal with the situation had failed to achieve their objects. The Tuberculosis Commission reported most unfavourably on the unhygienic and distressing conditions existing in urban areas and revealed that some local authorities were deriving financial gain from the locations. Instead of giving the locations the benefit of these profits, they were being added to a general municipal revenue fund. This Commission reported:

We have, indeed, no hesitation in saying that we know of no municipal location which is entirely satisfactory. We do not go so far as to say that there is none which is entirely satisfactory, but if there be we are unaware of its existence. Some, of course, are much less objectionable than others, but all those which we have seen are bad in some feature or other. (157)

It became abundantly clear that a general and uniform policy was called for.

The year 1923 proved a very important one in the

legislative history of South Africa. With the passing of the Natives Urban Areas Act (No.21 of 1923), it heralded the first Union-wide, large-scale, planned, attempt to deal with the Natives resident in urban areas. It was an Act of no small measure for it repealed 41 conflicting bye-laws and regulations existing in the various Provinces at the time and paved the way for many subsequent amendments affecting the domicile of the urban Native. It became operative on 1st January, 1924 since which date it can, without reserve, be said that the living conditions of the urban Natives have shown great improvement, and the very sordid conditions upon which such Commissions as the Tuberculosis Commission had given most damaging evidence were considerably alleviated.

In the light of revelations made by the Native Affairs Department Report 1919-1921 (U.G. 34 of 1922) concerning the alarmingly high death rate among the non-Whites in urban areas during the influenza epidemic of 1918 a profound interest was awakened with regard to the health conditions prevailing in the Native sections of towns. (158) The Commission reported, inter alia:

During the three years since the publication of the last departmental report the problem of the Native population of our cities and villages has become more insistent and more generally recognized as one of the phases of the larger question which requires the early formulation of a constructive and far-sighted policy. (159)

and went on to recommend that it:

desires strongly to emphasize the necessity of devoting immediate attention to the improvement of housing and sanitary conditions in slum areas and to Native locations. (160)

Further, by the establishment of the Native Affairs Commission

in terms of the Native Affairs Act of 1920, it was considered that the Natives domiciled in urban areas should be given primary consideration.

The 1922 Transvaal Local Government Commission (the Stallard Commission) was established with the express purpose of investigating the urban Native question. It proved an important Commission, for its conclusions and recommendations, which were the result of close co-operation with local authorities and the Central Government, were to be reflected in the Natives Urban Areas Act (No.21 of 1923). While appreciating that the provision of housing for urban Natives had been highly unsatisfactory in the past, it advocated inter alia that local authorities should be responsible for the provision of adequate accommodation in special locations and townships set aside for Natives. Clearly the Commission regarded the urban population in a temporary light because it maintained that Native urban workers should only be permitted into municipalities for as long as they were required by the White men. In its report it stated:

After careful consideration and consultation with the Native Affairs Commission and officials of the Native Affairs Department your Commissioners have unanimously come to the conclusion, and recommend, that it should be a recognized principle of government that Natives -- men, women, and children -- should only be permitted within municipal areas in so far and for so long as their presence is demanded by the wants of the White population. (161)

In respect of domicile, the 1923 Act made provision for improved conditions of residence both in and near urban areas and for the better administration of Native affairs in such areas. The framers of the Act, in accepting the principle

that White and Native settlements were to be separate, clearly emphasized in the Act the principle enunciated by the Transvaal Local Government Commission that the urban areas were essentially the domicile of the Whites, and that the residence of Natives in them was to be temporary and allowed only in so far and for as long as the needs of the White man were served.

This legislative measure made provision for Union-wide residential segregation in the towns -- a policy which by that time had legal expression in the two northern Republics, in a large section of Natal and in a few towns in the Cape. It was, it could be said, a generally accepted social policy throughout the country, a policy which had evolved naturally with the townward drift of Natives and the consequent setting up of "black spots" on the boundaries of towns. The Act further made provision with regard to accommodation for Native occupation, restrictions on residence and the acquisition of land. The full weight and responsibility for the well-being and the provision of housing of the urban Native was in terms of the Act placed on the local authority which was subject to the controlling and supervisory power of the Minister of Native Affairs.

In terms of the Act, a local authority may establish three forms of accommodation -- locations, Native villages and Native hostels. Section 5, which can be regarded as the segregatory provision of the Act, specifies that by proclamation of the Governor-General the segregation of Natives in urban areas can be ordered and that residence anywhere but in a location, Native village, or hostel is not permitted. Certain exemptions to compulsory residence are made. These

are where:

- (a) A Native is the registered owner of immovable property and continues to live on the property within the urban area valued for rating purposes at £75 or more; or
- (b) if he has inherited the property;
- (c) in the Cape any Native being a registered parliamentary voter;
- (d) dependants or the wife of a Native exempted under (a), (b), (c) above;
- (e) domestic servants;
- (f) other employees than (e) provided by employer with accommodation;
- (g) Native resident in an Institution approved by the Minister or any other Native whose application for exemption has been granted. (162)

Section 4 protects the areas set aside for the occupation of Natives from the intrusion of Whites by giving only Natives the right to acquire lots or premises in locations. Exceptions to this are made where a church, school, or business is conducted by Whites.

Local authorities, for the purpose of establishing locations, were entitled to purchase land by agreement or expropriation. It should be mentioned, however, that ground in the Cape Province could not at this time be expropriated because property owned by Natives could only be acquired by local authorities if the consent of the owner had been given. The Act specified that industrial concerns or mines employing more than 25 Natives were subject to the regulations laid down by the local authority responsible for the housing of such Natives. Provisions were made for local authorities to arrange for the appointment of officials to manage locations, for the establishment of Native Affairs Boards, the holding of a Native Revenue Account, and the correct use by local

authorities of all monies accruing to this fund. The Act provided for the removal of idle, dissolute, or disorderly Natives to their homes or to a labour colony and for the prohibition of the residence or congregation of Natives (other than those exempted) within three miles of an urban boundary.

This very comprehensive Act makes provision for many and varied regulations to be passed so as to translate into action the Government policy of residential segregation. The Act brought about a marked improvement in urban locations by checking the growth of slum conditions and generally improving the circumstances under which the urban Natives were living.

The framers of the 1923 Act, while clearly indicating their desire for separate areas of settlement for Natives and Whites in urban areas, did, however, consider that for the purpose of trade or other business activities Natives should not be restricted from holding property in the White areas. Indeed, in theory until 1937, as earlier indicated except in the Free State and a few urban areas proclaimed under the Gold Law, Natives could if they had the means purchase plots in towns. While it was possible for Natives to purchase land in urban areas, in practice little was so acquired. The reasons for this were firstly because Natives did not have sufficient money to make these purchases, and secondly because clauses in the title deeds often prohibited the sale or lease of property to persons other than Whites. What land was leased usually took the form of small plots on the boundary of urban areas where Natives could erect pondoks. Sometimes the landowner himself erected these huts and hired them out to Natives. In this way Native settlements were established and a natural

form of segregation appeared. Further it can be said that, except in a limited number of cases of Native owner-occupiers, until 1937 the privilege or right of tenancy in urban areas was definitely dependent on the local authority and subject to conditions concerning labour requirements. In terms of a 1930 amendment to the 1923 Act the local authority could have a Native removed from the town except in certain cases, for instance if he was an owner-occupier (dependants included), a registered parliamentary voter in the Cape whose property qualification was not based on the occupancy of a property owned by the local authority, or a Native born in and permanently resident in an urban area. Natives in urban areas lived in locations or hostels supplied by the local authority or in houses situated in Native villages erected by the Native with the permission of the local authority. (163)

The Natives Urban Areas Amendment Act (No.25 of 1930) indicated no change of policy. It was generally considered that since the passing of the Natives Urban Areas Act (No.21 of 1923) Native urban conditions had improved. The Honourable E.G. Jansen, as Minister of Native Affairs in introducing the Second Reading of the Natives Urban Areas Act 1923 Amendment Bill referred to the 1923 Act which had been in operation for six years and said:

On the whole I think that the conditions generally in locations in urban areas throughout the Union have been improved. (164)

In terms of Section 18 the local authority was granted the power to arrange for the removal of the occupants from a location or village dwelling, or for the demolition of a dwelling that fell under its jurisdiction if it was considered

to be in the interests of public health that the dwelling should be condemned.

The Native Laws Amendment Act (No.46 of 1937), later followed by the Native Laws Amendment Act (No.36 of 1944), was an important legislative step. In the light of its provisions it was clearly shown that the Natives were still to be regarded as temporary residents in the towns. In terms of Section 4 which deals with the restrictions on the rights of Natives to acquire land in urban areas, Natives, except with the Governor-General's approval, were prohibited from acquiring from anyone other than a Native the ownership of any land situated in an urban area. In its implementation only leasehold and not freehold tenure could be obtained by Natives in municipal Native townships. These provisions did not prohibit in terms of Section 4 bis,

- (a) The letting of any land in a location or native village; or
- (b) the provision of accommodation --
 - (i) in a location, native village or native hostel; or
 - (ii) in any mission house, private hostel or similar institution approved by the Minister; . . .
 - (iii) in premises in respect of which a licence has been issued . . .
 - (iv) in terms of paragraph (f) of Sub-section 1 of Section 12 of Native Urban Areas Act (No.21 of 1923);
 - (v) by an employer for natives in his employ where such provision is not prohibited by this Act or the regulations; or
- (c) the acquisition of any land situate within any area approved by the Minister for the residence of natives. (165)

Since 1937 it has become abundantly clear that the residence of Natives in the towns can no longer be regarded as entirely transitory. While the Native has become more eager in his demand for the right to acquire property in the

urban areas the Government's policy has been to impose more stringent limitations on this acquisition. Today the aim of the Government is not only to restrict the purchase of land in urban areas where many Natives know no other home, but to institute such legislative machinery as will in time deprive the Native of any freehold title already acquired in the towns.

The Natives (Urban Areas) Consolidation Act (No.25 of 1945) subsequently amended in the years, 1945, 1946, 1947, 1952, 1955, 1956 and twice in 1957 was, as its name implies, an act of consolidation. Mr. D. Molteno, an Opposition M.P., said in the House of Assembly at the Second Reading of the Consolidation Bill:

The decision of the Government to introduce this consolidating measure implies the re-affirmation of the principles embodied in that measure, and implies also the acceptance by the present Government of those principles, for so far as can be seen into the future at all events, as a permanent feature of South African policy. (166)

The Act strengthened the provisions with regard to the domicile of the Native as laid down by previous Acts. One of its main objects was stated as the consolidation of the laws in force in the Union which provide for improved conditions of residence for Natives in or near urban areas. It aimed at the better administration of Native affairs in these areas and the regulation of their residence there. The Act further made provision for the reservation by the local authority, subject to Government approval, of areas and accommodation for Native occupation. It emphasized that only Natives could acquire lots in a Native village or location; conversely its restrictions prevented Natives from acquiring land in urban areas outside locations. Section 9, which

limited the right of residence of Natives in urban areas and dealt with the segregation of Natives, provided that the Governor-General may by proclamation forbid any Native from residing in an urban area other than a Native location, village, or hostel.

The Prevention of Illegal Squatting Act (No.52 of 1951) laid down that squatting in specified urban areas without permission was prohibited. It further provided the local authorities with the right to establish emergency camps for homeless Natives, and make regulations for the control and organization of these camps.

Unlike the Native Laws Amendment Act (No.54 of 1952) which, in amending Section 10 of the 1945 Consolidation Act, records that a Native born and permanently resident in an urban area can remain there without having to seek permission, the Native Laws Amendment Act (No.36 of 1957) provides that a Native must have resided uninterruptedly since birth in the area concerned in order to gain automatic exemption. The Act places further restrictions on the Native's domiciliary rights. A Native born in an urban area who leaves (even for a short while) the urban area where he is residing loses his right of permanent residence there. To entitle him to permanent residence in the town the Native must have had an unbroken period of residence from birth. No longer, as under the 1952 Amendment Act, may a Native who has worked for ten years with one employer or resided continuously for fifteen years in one place be entitled to consideration as a permanent resident unless he has not gone to work outside the area and he has continued to live in the area.

The Act further aimed at limiting the number of Natives resident in White suburbs. Provision was made that not more than five Natives may live in a building of an employer in a proclaimed area without having been granted special exemption. This was to prevent the growth of slum conditions and "locations in the sky". Domestic servants may, in terms of this legislation, only be exempt from living in locations if they are accommodated on premises approved by the Minister. Further, children of domestic servants, if under 12 years of age, are forbidden to reside with their parents at their place of work.

Previously an urban Native who failed to observe the regulations governing his presence in an urban location, village, or hostel could be ordered out only after a Court conviction. The Magistrate or Native Commissioner acted in such cases in an administrative rather than a judicial capacity at an informal hearing where a Native could, if he wished, appear to hear affidavits regarding why he should not remain in the urban area. The 1957 Act removed this legal safeguard.

To speed up the removal of "black spots" in or near urban areas, the Native Trust and Land Act (No.41 of 1958) was passed. It provided that where the legal owner of a "black spot" could not be traced, Government notice of expropriation would be given and any objections to the terms and claims for compensation had to be lodged within three months.

The introduction of the Group Areas Act (No.41 of 1950) gave the fullest legal expression to the Nationalist Government's policy of apartheid. The Minister of the Interior,

the Honourable Dr. T.E. Donges, when speaking at the Second Reading of the Group Areas Bill, said:

The overriding principle of this Bill is to make provision for the establishment of group areas, that is, separate areas for the different racial groups, by compulsion if necessary. In that respect the Bill poses a simple, straightforward and clear-cut issue on a question of principle which will have to be squarely met. The Bill does not itself proceed to make the demarcation necessary for these various areas. It merely creates the necessary machinery for doing so over a period of years and in a fair, equitable and judicial manner. It seeks to avoid a change-over which will be sudden and complete and so dislocate the economic life of the country. This attempt to effect the change-over as smoothly as possible, possibly makes the measure somewhat complicated and requires careful consideration. (167)

The Act involved tremendous practical difficulties in its application and has had the most far-reaching repercussions on all racial sections of South Africa, for it was an Act that did not only apply to Natives but dealt with all ethnic groups. The Act has been amended six times and was finally consolidated into the Group Areas Act (No.77 of 1957). Through the creation of group areas it aimed at the control of the acquisition of immovable property and the occupation of land and premises by different racial groups until a permanent pattern of separate residential areas was established.

With a view to dividing entire towns into separate group areas for occupation by different ethnic groups, provisions were made for the whole Union to become a controlled area. Provision was also made for complete central control to be exercised in all the Provinces of the Union over all inter-racial property deals and inter-racial transfers in occupation. The Act makes it necessary to obtain permits before any such transaction can take place. No change of

immovable property can be arranged between a person who is not a member of the same racial group as the existing registered owner. The Act also extends control over property transactions by providing that no person may hold property on behalf of anyone who has not the lawful right to own it. This helped to avoid certain evasions of the terms of the Act. Certain persons are exempt from those provisions relating only to the occupation of land and premises in group and specified areas.

The implementation of the Act involved not only many property transfers but also an enormous displacement of people. Indeed its application soon revealed the practical difficulty involved in fitting people into new residential areas and the ease with which its provisions could be evaded. In an effort to tighten up the Act, one amendment followed another. Without elaborating on the technical changes introduced with these amendments, suffice it to say that each amendment was passed in an effort to improve the working of the Act and to cure defects which became evident in its application.

The 1957 Act provides that Government servants, Government employees, hospital patients, mental patients in asylums, and visitors for not more than 90 days, are among those persons exempted from obtaining a permit to occupy land or premises in a group or specified area. Domestic servants of rightful owners or occupiers are also exempt provided that the Governor-General proclaims it to be so -- such proclamation may be subject to certain conditions. Bona fide employees in towns or rural townships are exempt only in so far as is required for the purpose of carrying on work for which they

are employed.

In 1949 Sophiatown, Martindale, Newclare, and Pageview were proclaimed by the Governor-General to be areas in which, predominantly, Natives were domiciled. In these areas many Natives held freehold rights to plots, while other plots owned by other race groups were hired by Natives. These suburbs of Johannesburg were grossly over-crowded and it was considered that some extensive form of slum clearance should take place. By passing the Natives Resettlement Act (No.19 of 1954) the Government sought to do precisely this. When the Bill was being piloted through Parliament the Opposition argued that the underlying aim was to take from Natives their freehold rights and totally prohibit them from owning any land in an area other than a Native area. Dr. H. Gluckman, an Opposition M.P., in criticism of the Bill, said at the Second Reading:

We are being called upon to legalize by law the deprivation of property rights of people.
We maintain that it does represent a new attack on the democratic rights and the statutory position of local authorities. (168)

The Act provided for the removal of Natives from any area in the magisterial district of Johannesburg or any adjoining magisterial district and their settlement elsewhere. Often called the "Western Areas of Johannesburg Removal Scheme" the Act aimed at the slum clearance of the four western area suburbs of Johannesburg although in its implementation it could, by proclamation of the Governor-General, apply to Natives domiciled anywhere in the Union. This law provided for the elimination of "black spots" and the removal of Native families from a most sordid, unhealthy environment. In

return for the dispossession of freehold rights it offered a maximum of 30 years leasehold title within a specified location. It clearly removed the right of permanent home-ownership by Natives in urban areas.

Section 2 of the Act provided for the establishment of a Natives Resettlement Board vested with powers to undertake the removal schemes. The Board was in the privileged position that it could override any decision of the Johannesburg City Council with regard to the building of houses and the acquisition by agreement or expropriation of such land as was necessary to carry out the scheme. In terms of the Act any Natives domiciled in the four western area suburbs, or anywhere else proclaimed by the Governor-General, could be called upon by the Board to vacate their premises within one month. No order however, could be served on a Native unless alternate accommodation could be offered, or, if preferred, the right to occupy land where he could provide for his own housing needs. No evicted Native was entitled in the new area to the same freehold title he held in the old.

In implementing the Act the Government aimed at moving some 70,000 Native inhabitants of Sophiatown, Martindale, Newclare, and Pageview. On 9th February, 1955, the first transfer of families under this scheme took place from Sophiatown to Meadowlands, a suburb situated six miles further from the centre of Johannesburg than Sophiatown. In Meadowlands previous Native owners in Sophiatown could occupy property on a 30-year lease and the Government arranged to purchase their old properties.

NATIVE HOUSING LEGISLATION : 1910-1958

Since the acquisition, ownership, and occupation of land are so closely linked with the erection of houses, consideration will now be given to the specific legislation that has been passed, during the period under review, in respect of housing. It will be seen that the housing policy of South Africa has undergone a process of evolution as evidenced by the chronological development of its legislative measures.

It is interesting to note that the Natives Land Act of 1913 regulates the housing of the rural Native. The Governor-General may, in terms of Section 9, make regulations for preventing the overcrowding of huts and other dwellings in the "stadts", Native villages and settlements, and other places in which Natives are congregated in areas not under the jurisdiction of any local authority. Further regulations may be made by the Governor-General with regard to the sanitation of such places and the maintenance of the health of the inhabitants.

With the passing of the Native Labour Regulation Act (No.15 of 1911), the Government soon after Union indicated its intention of protecting urban Native labour by enforcing satisfactory working standards. Such standards did not only include hours of labour, recruitment, and other matters connected with employment, but also involved the living quarters that were provided. While the Act was primarily passed for the purpose of regulating the recruiting and employment of Native labour, Section 23 lays down that in proclaimed labour districts the Governor-General may make regulations in respect

of proper housing, feeding, and treatment of Native labourers, as well as the inspection of premises where Native labourers are resident. Regulations can also be made regarding the control of compounds and married quarters of Native employees, and regarding the powers and duties of compound managers.

The Mines and Works Act (No.12 of 1911), subsequently amended in 1926, sets the legal pattern against which the working conditions of Native mine workers are regulated. It makes provision for the safety and health of employees and deals with matters regarding property and public traffic.

A study of the housing legislation affecting other urban Natives over the period 1910 to 1958 suggests that two main obstacles have confronted the framers of this legislation. Firstly the Government has been faced with the problem of accommodating an urban population of Natives that has been increasing at a far more rapid rate than the capacity of any local authority to house it. Further, in view of the fact that it is a population characterized by extreme poverty, its accommodation needs have had to be met by the supply of low-cost, subsidized, houses. Added to this is the fact that the housing of Natives in South Africa must conform to a certain social and legislative pattern.

It was virtually in the Public Health Act (No.36 of 1919) that urban housing legislation had its birth, for that Act contains a chapter entitled "Sanitation and Housing" (Chapter 8 Sections 119-132) which defines and prohibits certain nuisances in regard to housing. The method of slum clearance by local authorities as provided for in this Act applied to all sections of the population including Natives.

This is indicated by the Act which in its section concerning the interpretation of terms defines dwelling as:

Any house, room, shed, hut, cave, tent, vehicle, vessel or boat or any other structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any human being dwells. (169)

It was not until 1920 that any organized State attempt was made to face the financial implications of housing urban Natives. Prior to Union no interest was shown in the urban Native housing question and subsequently the problem of the steady townward drift of the Native was evaded. With no available housing space there was the inevitable crowding and congestion of Natives on the fringes of many of the towns in the Union and the inevitable consequence was the growth of slums. Until 1920 the local authorities were restricted in their efforts to provide housing because of the financial burden involved.

The principle underlying the provisions of the Housing Act (No. 35 of 1920), which has been amended nine times, and was passed to alleviate the housing shortage, was that it was the duty of the local authority to stimulate and ensure the provision of adequate housing for the poorer sections of the community. The Act provided for the establishment of a Central Housing Board, (170) as an advisory body only, to enable local authorities to finance housing schemes. The Act empowered the local authority, subject to certain terms, to borrow monies indirectly from the Government through the Administrator of the Province, or, with his consent, from any other source for the purpose of building houses or establishing housing schemes. For a long time very little use in

respect of Native housing was made by the local authorities of the powers granted them in terms of the Act. The reason for this was mainly that loans were made at economic rates and where Natives were concerned their communities were too underprivileged and too poverty-stricken to benefit from such housing schemes. So, despite the fact that this legislation was introduced to assist all sections of the population, in its practical operation Natives did not benefit.

To meet the obligation placed on local authorities in terms of the Natives Urban Areas Act (No.21 of 1923) to provide accommodation for Natives living in their areas, the 1920 economic scheme was converted into a sub-economic one. Perhaps the Government's move in first introducing economic schemes can be explained by quoting from a Report of the Central Housing Board:

For a long time the Government of the Union provided money only for economic schemes. It hoped to rely on a filtering up process by establishing the middle class man as a house owner. It believed that the house he vacated would be occupied by the less well-to-do, and that tenants from the slums would so move up to better quarters. This process of filtering up has doubtless occurred to some extent, but landlords by no means always welcome the slum dweller, especially the slum dweller with a family, and the rent exacted is generally above the latter's means. When it does occur it generally leads to extensive subletting and overcrowding. The subsidisation of housing was forced upon the Government in 1934 by public opinion when it became universally recognized that the filtering up process was not effecting any appreciable betterment of the housing of the poorer classes, and in fact that housing conditions generally in the Union were getting into a desperate state. (171)

The need for assisting Natives was thus only really met in 1930. It was by that time appreciated that the "filtering up process" was not bringing about any improvement in the

housing of the poorer classes, and it was increasingly evident that the position was becoming chaotic. In that year the Government introduced a scheme for the issue of housing loans on a sub-economic basis. (172) Initially this sub-economic housing plan excluded Natives, but in 1934 it was extended to all non-Whites. Through this legislation the Government hoped to raise the standard of living of the Native by improving the housing position without adding to the economic burdens of the occupants. With the implementation of this housing legislation, Native housing programmes were undertaken in earnest. Because of the earlier years of evasion and neglect, and despite the local authorities' efforts to make up for much lost ground, the supply of urban Native housing had not caught up with the demand by the time the Second World War broke out. In the Smit Report, published on 9th March, 1942, which based its calculations of the urban Native population on the 1938 census, it was recorded that:

It is probable that approximately one-third of the adult urban Native population remains to be housed if the policy of segregation is to be carried out strictly. The necessity for municipal housing does not apply only to Natives living outside locations or villages, for inspections carried out by the Committee revealed that a very large percentage of Natives who live in such institutions are very unsatisfactorily housed. This brings the proportion to be rehoused much higher than the one-third mentioned above . . .

The development of accommodation for Natives in the towns has not kept pace with the growth of the population.

There is, therefore, an urgent need for municipal housing schemes to be accelerated to rehouse in healthy surroundings those Natives who are already in the urban area, because the conditions under which they are now living constitute a danger, not only to themselves, but to the whole community. (173)

The Slums Act (No.53 of 1934) which provided for the

elimination of slums within the areas of local authorities, came into force at the same time as the sub-economic housing scheme was extended to Natives, i.e. fourteen years after the first Housing Act had been passed. It came, in other words, at a time when sufficient dwellings should have been erected into which slum tenants could be moved before slum clearance was undertaken. In practice, however, this was not so, for alternate accommodation was not available to Natives. The Act referred only to the local authorities enumerated in the First Schedule of the Act and local authorities specially proclaimed in terms of the Act. The provisions did not apply to Native compounds on proclaimed land or set up in terms of the regulations made under the Native Regulation Act (No.15 of 1911), nor any location, village, or hostel established by the local authority in terms of the Natives Urban Areas Act (No.21 of 1923). The Slums Act of 1934 applied in other words only in respect of those houses owned by urban Natives and situated in White areas and accommodation provided by urban employers to their Native workers.

The Additional Housing Act (No.41 of 1937) gave added financial relief to persons building houses but this scheme really only assisted middle class families and did not help the very poor. The Act was later superseded by the provisions of the Housing (Emergency Powers) Act (No.45 of 1945).

Between 1939 and 1945 the country was in the throes of war and problems similar to those faced in 1918 were once more experienced. By the end of the war there was an obvious shortage of houses which had been caused by a combination of factors, such as the almost total cessation of building activity

for private houses during the war, a shortage of those materials that had to be imported, the enormous growth of the Native urban population, and a general rise in the cost of living.

The Housing Amendment Act (No.49 of 1944), while making amendments to the 1920 Act, also provided for the establishment of the National Housing and Planning Commission in which was vested extensive powers in an endeavour to meet the post-war housing crisis. The Act also introduced the principle of differential renting which became part of the sub-economic housing schemes. This is a very important feature of housing legislation for it indicated an appreciation of the fact that within the framework of sub-economic schemes different degrees of poverty had to be catered for. In this way financial assistance was accorded each individual house occupier. Subsequent legislation altered this and concentrated on general building schemes instead of aiming at easing a basic social difficulty, namely differences in income.

The Housing (Emergency Powers) Act (No.45 of 1945) gave very important and far-reaching powers to the Minister of Welfare and Demobilisation, the Honourable Mr. H.G. Lawrence. Because it was considered that under the Housing Acts the local authorities had made little progress in the matter of housing, the Government itself, through this Act, took over the responsibility of initiating and carrying out housing schemes. The Minister could make regulations on practically all aspects of housing and the building industry. His power was further reinforced by the right he had to expropriate land for housing purposes, to place restrictions on the use of land, and to enforce a system of compulsory letting. Through the exercise

of these powers it was hoped that it would be possible to put up new houses and make use of old ones on a far more rapid scale than before. The most significant feature of this Act was evidenced in the change of authority with regard to housing. Whereas previously the role played by the Government was essentially one of control and authority in granting to local authorities financial assistance for housing, by this Act the Government took over the right to carry out housing schemes on its own initiative. This was done with the purpose of speeding up housing -- certainly from that time housing was regarded as a national rather than a local problem.

In erecting urban houses for Natives it had always been customary for local authorities to employ White skilled workers. These men received wages out of all proportion to the incomes of the prospective occupants of the houses being built. The obvious result was that the local authority had to make up the deficit and indirectly this had to be met by the White tax-payers. In 1951 the Native Building Workers Act (No.27 of 1951) was passed with the express object of letting Natives build their own homes. With this object in view the Act provided for the training and registration of Native building workers, and for the regulation of the conditions of their employment. While Section 15 deals with the restriction of employment in certain areas, Section 16 provides for the restriction of the performance of skilled work in Native areas by persons other than Natives.

As has already been mentioned, Bloemfontein initiated the system of letting Natives build their own houses. (see 163). For a small monthly rental a Native employed in the

town could have a plot including sanitary services and a communal water supply allocated to him. On this plot he could build a house subject to the local authority's approval, and with money loaned by it. For a monthly rental and the redemption of his loan the house became his property for as long as he wished. While he had the right to sell the house to another Native, the scheme gave no freehold rights to the land.

The Native Services Levy Act (No.64 of 1952) introduced a scheme whereby urban employers who did not provide Native employees with approved accommodation became legally obliged to pay up to a maximum of 2/6 per week per employee (the amount depending on local arrangement) to a Service Levy Fund. The monies accruing to this fund were to be used for the provision of water, light, sewerage mains, and roads in Native urban townships and for the subsidization of transport services.

On 3rd February, 1955, the Minister of Native Affairs, Senator the Honourable Dr. H.F. Verwoerd, made reference in Parliament to the introduction of site-and-service schemes to assist local authorities to meet the problem of placing the squatters in their areas. He stated:

One of the greatest problems with which the department and South Africa as a whole are faced is the large number of squatters who have settled outside the cities but who work in the cities, accompanied by the large number of lodgers, even in Native locations under the control of such a city council, and also the large number of illegal lodgers in the back-yards of the residential areas of the Whites. It is the duty of the local authorities to provide proper accommodation for these people, and although under Section 3 of the Urban Areas Act they can be forced to provide for these people, they often do not do so . . . In order to assist the city councils, I evolved two measures, one of which was passed in this House, viz. to

make money easily available for these services, and a further measure which I shall adopt with the assistance of the Government, namely to see that enough money will be made available for the purchase of the necessary ground. But apart from the provision of money we are still faced with the problem of building these houses fast enough. In order to meet that problem, a second system has been evolved, namely the Site and Service scheme . . . in other words where all the requirements are provided. (174)

In terms of the Natives (Urban Areas) Amendment Act (No.16 of 1955) it thus became possible for local authorities, who were compelled by law to provide accommodation for those Natives legitimately employed in their urban areas, to provide instead site-and-service schemes. This was brought about by the re-definition of the term "accommodate". (175) In the Natives (Urban Areas) Consolidation Act (No.25 of 1945) to "accommodate" is defined as:

In relation to an urban area or part thereof, or to any land or premises within an urban area, means to house or provide with lodging. (176)

While in terms of Act No.16 of 1955, the word is given a broader meaning and is defined as:

In relation to an urban area or part thereof, or to any land or premises within an urban area, means to house or provide with lodging, to make available for occupation any land or premises provided with water, sanitary and other services approved by the Minister or an officer acting under his authority. (177)

The Government encouraged local authorities to institute such schemes where Natives could erect houses in urban areas where sanitary, water, and other services were provided.

The Housing Act (No.10 of 1957) formed an omnibus act to deal with housing. With the aim of providing for the

construction of dwellings and the establishment of housing schemes for Natives, the Act created a Bantu Housing Board. This Board was granted the same functions and duties as conferred on the National Housing and Planning Commission, but was to concern itself with Native Housing only.

CONCLUSION

In South Africa the big problem is land. If it could be solved, if it were really possible to give the native a reasonable chance of self-development, not only in the Transkei and the other smaller regions which are reserved for him today, but over an area adequate for the purpose, there would be hope of the successful Union-wide application of the policy of differentiation. (178)

These words were spoken some 30 years ago by the late J.H. Hofmeyr and as then, so today, the entire Native problem is closely allied to the question of land -- its acquisition, ownership, and occupation.

When the combined effect of the legislation reviewed in this chapter is taken into account, segregation of and discrimination against the Native are seen to be the two cardinal principles of Government policy. By 1958 this policy had, after pursuing various means since Union, come to regard the extension and development of Native areas, or Bantustans, as the only solution to the conflict of Native and White over the problem of land and domicile.

And so the dispossession of Native land which had been almost a rule of nineteenth-century policy was reversed in the twentieth century. Exiled men were to be returned to ancestral lands, or at least to some of them. (179)

CHAPTER EIGHT

MOBILITY

Everyone has the right to freedom of movement and residence within the borders of each State. (180)

Everyone has the right to leave any country including his own, and to return to his country. (181)

of Passes and Co-ordination of Documents) Bill, claimed that the passing of that Act would herald an important change for Natives. He declared that for the first time since 1867 Native men would enjoy freedom of movement, not only in practice, but also in spirit. Freedom of movement, he asserted, would only be restricted by the fact that those who wanted to look for work would have to obtain a permit to do so. In the House of Assembly he said:

Then I want to point out that this change is useful to the Native in several respects. In the first place it will mean that for the first time since 1867 Natives will have freedom of movement apart from the few restrictions which have to be imposed owing to the possibility of their being employed in certain urban areas. Those restrictions which are retained have also been decided upon in the interests of the Native himself. He has freedom of movement but he is not allowed to go to certain prescribed areas when it is clear that there are no employment possibilities for him there, that he will enter into competition with others living there and that it will be to his own disadvantage if he goes there. Apart from this restriction on his movement, a restriction in the interests of the Native himself, he will for the rest have freedom of movement in this country. (183)

The whole question of mobility is closely bound up with the pass laws and in order to study the legislation affecting the movement of Natives in South Africa for the period 1910 to 1958 it is useful to know the pre-Union setting in which this legislation had its beginnings.

Grouped under the general name of pass laws there existed, prior to Union, in the two northern Republics as well as in Natal and the Cape, legislation restricting and limiting the free movement of Natives within the different Provinces. Legislation also controlled the entrance of Natives into these

Provinces. There was, however, no uniformity in this legislation, for each Province exercised its own particular system of control. It was with the creation of Union that these different provincial pass systems came into prominence.

The limitation of the freedom of movement of Natives by means of pass laws was introduced in South Africa by the British Government. Although these laws were subsequently abolished in the Cape, they were adopted in the northern Republics as a means of protection to the cattle and property of the White man. After 1910 they found their place in the Union statute books.

Originally thus intended for the protection of the White frontier farmers from the raids of marauding Natives, the pass system was gradually extended and used to enforce labour contracts between Whites and Natives. With the development of industry and the growth of urban areas, as Natives went to the towns in search of work, the pass system became further amplified. While it served as a means of protection for the rural Native entering a strange and new environment, it also helped the authorities to maintain law and order in the town. The system prevented a completely uncontrolled entry of Natives into the towns where, if work was not obtainable, they might become idle and indulge in unlawful activities. It also became a means of identification, for through the system relatives of deceased urban Natives could be traced or Natives who had lost contact with tribal relatives could be located.

Despite the fact that the carrying of passes by Natives has been in practice in South Africa for many years, no concise definition of the term appears in the statute books. The

Inter-Departmental Committee on the Native Pass Laws of 1920 (Report U.G.41 of 1922) and the Native Laws Commission (Report U.G.28 of 1948) do, however, in their reports endeavour to explain the meaning of the word. From their combined efforts a pass may be defined as a document, signed by an authorized person or government official and carried only by Natives, that restricts and controls mobility. It is a permit needed for authorized movement within a certain area, as well as into and out of that area. It is used for identification of the holder and must be carried on his person. It can assist the police in the maintenance of law and order, and is further used for the purpose of entering and enforcing a contractual obligation between a White employer and Native employee. Another very important feature of the pass is that it must be produced immediately on demand by an authorized official. Any failure to comply with this constitutes a criminal, not civil, offence.

PRE-UNION PASS LEGISLATION

X | As stated earlier, it was in the Cape that pass laws were originally introduced. In a Proclamation dated 27th June, 1797, issued by the Earl of Macartney, farmers or other persons in the Cape who employed Natives were directed to discharge them. The Proclamation aimed at the exclusion of all Natives from Colonial territory for only those in possession of a pass were permitted to enter the Cape. In a Proclamation issued on the 14th May, 1812, all intercourse with the "Kafir people" was prohibited. Through Ordinance 49 of 1828 earlier pass regulations were abandoned. It made provision for the admission into the Colony, only under certain pass

system restrictions, of persons belonging to Native tribes living beyond the frontier. The Ordinance also dealt with the regulations regarding the employment of these Native foreigners as free labourers in the service of the White colonists. In 1837 Ordinance No.2 of 1837 was passed and made provision for the effectual prevention of crimes against life and property within the Cape. Section 4 laid down that any foreign Native who had already entered the Colony could not remain there without a pass. Act No.23 of 1857 dealt further with the prevention of Natives entering the Colony without passes, while Act No.27 of the same year made provision for the regulation of terms on which Natives could obtain employment. The Native Pass and Contract Law Amendment Act (No.22 of 1867) amended the laws relating to the issue of passes to and contracts of service with Natives, and to the issue of certificates of citizenship. It further provided for the better protection of property.

The Vagrancy Act (No.23 of 1879) which was a law for the prevention of vagrancy and squatting, amended by Vagrancy Law Amendment Act (No.27 of 1889), was the legislative machinery existing in the Cape that fulfilled the purposes of the pass regulations in the other three Provinces. In terms of this Act, if the owner, lessee, or occupier of land or other immovable property found anyone trespassing on his land or near his premises or even loitering on a road crossing his farm, he had the right to arrest that person as being idle or disorderly and hand him over to the nearest Magistrate or Justice of the Peace. The onus to prove his right to be on that property rested with the arrested person. Although Natives were not forced by law to carry passes, this Act was

obviously aimed at controlling their movement. Section 2 of the Increased Powers To Local Authorities Act (No.30 of 1895) gave to the local authority the right to make regulations forbidding a Native from being in public places or streets between the hours 9 pm. and 4 am. without a pass signed by his employer or other authorized person. There were certain exemptions to the operation of this Act which included Native voters and Natives holding certain educational and religious qualifications. (These exemptions were laid down by the Native Registered Voters Act (No.39 of 1887)).

In British Bechuanaland in terms of Proclamation No.2 B.B. of 1885 (dated 6th October, 1885) and in the Transkei in terms of Proclamation No.110 of 1879, (dated 15th September, 1879) the law demanded that Natives leaving the relevant territory had to be in possession of a pass signed by a Resident Magistrate or by his "order", and if entering the territory his pass had to be signed by some person authorized by the government of the area he was leaving.

Although pass laws were in existence in the Cape prior to Union, through the application of a liberal official policy it can quite justifiably be said that the Cape in practice had virtually no pass system.

In terms of pre-Union legislation, passes in Natal were required for Natives both entering or leaving the territory as well as for identification. Law No.15 of 1869 provided for curfew regulations in Natal. It prohibited Coloured persons (including Natives) from wandering abroad during certain specified hours of the night. In a Proclamation issued on 11th March, 1870 in terms of the Law No.15 of 1869 provision

was made for the punishment of idle and disorderly persons and vagrants within the Province. Law No.48 of 1884 made provision for the better regulation of the passing and re-passing of Natives between Natal and the neighbouring states and territories. By Law No.52 of 1887 fees were imposed on passes issued in terms of Law No.48 of 1884. Act No.49 of 1901, the purpose of which was to facilitate the identification of Native servants, was amended by Act No.3 of 1904 (entitled Act to Facilitate the Identification of Native Servants). Section 6 of Act No.3 of 1904 made provision for the cancellation of a pass in the event of such document having been obtained illegally.

By the end of the nineteenth century the Orange Free State had a clearly defined pass system that applied to all Coloured persons (including Natives). It was only by Ordinance 52 of 1905 that certain male Natives were exempted from the operation of the pass laws. In terms of the Coloured Persons in Towns Law (No.8 of 1893) local authorities were given extensive powers to control the Coloured people and locations of Coloured people within the limits of their urban areas. All Natives living in those areas were obliged to have residential passes. The Vagrancy Law (No.8 of 1899) provided for rural residential passes. Every male Coloured person over fifteen years who lived with the owner, lessee, or occupier of a farm had to have a pass as proof that he either lived on the farm or was in the employ of the farmer. (Section 1). The Natives Passes and Squatting Law (No.4 of 1895) (Section 8) made it impossible for a Native to purchase a railway ticket unless he was in possession of a pass. Section 3 of that same Law laid down that a Coloured woman travelling

with stock or produce had to have a pass. The Pass Laws Amendment Ordinance (No.9 of 1906) was introduced to amend the laws relating to passes. It dealt with trek passes for Coloured males over sixteen years of age and introduced two important provisions. In terms of Section 1, subsection (i), fees were no longer payable for passes, and subsection 9 of Section 1 laid down that women and children did not require passes. The Pass Laws Supplementary Ordinance (No.30 of 1906) further amended the law relating to passes by providing that on the expiration of a term of employment an employer had to furnish the Coloured worker with a pass. Curfew restrictions were provided for, not by special Acts, but through regulations framed under certain laws e.g. Law 8 of 1893, Ordinance 35 of 1903, and Municipal Corporations Ordinance (No.6 of 1904).

In the early days of the South African Republic economics and labour played an important part in encouraging the policy of limiting the free movement of Natives. All early legislation seemed to aim at the promotion and supply of Native labour necessary for the mines. During the period of British control in the Transvaal the pass laws were greatly relaxed. With the growth of the gold mining industry, however, labour magnates clamoured for the better control and regulation of Native labour.

The Native Passes Law (No.22 of 1895) laid down that any Native employed by a White employer had to have a pass signed by his master if he wished to move within his area of residence and by a government official if he wanted to go out of the district. Law 23 of 1895 introduced special pass regulations for labour districts in proclaimed gold fields of the

Transvaal. These regulations included travel passes, permits to look for work, and passes specifying labour contracts. Law No. 31 of 1896 also aimed at facilitating and promoting the supply of Native labour for the mines, for the control of Natives employed on the public diggings, and for the regulation of relations between the White employer and the Native labourer. Proclamation 37 of 1901, as amended by Ordinance No. 27 of 1903, further dealt with the pass regulations regarding Natives entering and leaving the Transvaal. Other general pass regulations are to be found in Proclamations 18/1903, 56/1903, 1/1905, 82/1905, 15/1906, 4/1907, 23/1908, and 171/1910 (Union).

In terms of the Night Passes For Natives Ordinance (No. 43 of 1902) Natives were prohibited from being abroad during certain specified hours of the night without a pass from an employer or some authorized person. The Urban Areas Natives Pass Act (No. 18 of 1909) allowed the Central Government to make regulations with regard to the carrying of passes and the registration of servants. In other words the control and issue of passes was transferred from municipal to government control.

Prior to Union it can thus be said the two Republics clearly demanded that Natives should carry passes while in the other two Provinces, though pass regulations were in existence, there was not the same strict enforcement of the law.

From time to time, various Commissions have been appointed to inquire into the pass laws, such as the South African Native Affairs Commission 1903-1905 and the Natal Native Affairs Commission 1906-1907. The South African Native Affairs Commission was appointed by Lord Milner who, though not averse

to the principle of carrying passes, felt that the implementation of the pass laws needed revision. He stated:

The root idea of the old pass law was not a wrong one. If the Aboriginal Natives are to come and go in large numbers in search of labour and are to reside for considerable periods in the midst of a White community, there must be some passport system, else the place will be a pandemonium. Alike for the protection of the Natives and for the protection of the Whites it is absolutely essential to have some reasonable arrangement by which the incoming Native can be identified and his movements traced. The improvement of the laws is merely a step: it is only sound and honest administration which can make the best of laws of any use. (184)

The Commission in its Report indicated that it was in favour of the pass system but recommended a far more humane system of administration.

The Commission gave careful consideration to the subject of pass laws, and, while agreeing that the pass system was still necessary in most of the Colonies and Possessions, was unanimously of opinion, that natives travelling with a pass should be hindered as little as possible by local regulations, and that attention should be specially directed to the needless and vexatious detention of natives for long periods at border and other stations when travelling to and from labour centres. (185)

It can be said that with regard to Native affairs at this pre-Union period a pass system was considered by the authorities as necessary. Until 1910 the pass system in the various urban areas of the different Provinces remained unchanged except in the republican Transvaal where it became more complicated and involved greater restrictions on the mobility of Natives.

POST UNION LEGISLATION : 1910-1958

It was not until 1923 that any broad legislative step

was taken by the Union Government to effect the co-ordination and consolidation of the existing Union pass laws. This does not mean, however, that in the thirteen years following Union no legislation at all was passed that bore on the pass system. Since, in essence, the labour contract system did not differ fundamentally from the pass system, the Native Labour Regulation Act (No.15 of 1911) must be regarded as legislation affecting the mobility of the Native.

The Act, which in practice applied mainly to the gold-mining areas of the Transvaal and the Orange Free State, refers to proclaimed districts and provides that Natives who are employed on a farm or in an urban area in such a district must carry on their person service contracts that thus will fulfil the function of passes. A Native can only leave his area of employment if he is in possession of a permit signed by his employer. With the passing of the Native Laws Amendment Act (No.56 of 1949) which amended this Act, provision with regard to the production on demand of the service contract document was directly provided for. Previously this requirement was enforced under the regulations which the Governor-General could make in terms of Section 23 of the 1911 Act.

Despite the lack of legislation, thought was indeed being given to the matter of the pass laws both by the authorities and by the Natives themselves. With the awakening of political thought among the Natives the African National Congress was formed in 1912 and had as one of its avowed aims the abolition of pass laws. The Assaults on Women Commission (Report U.G. 39 of 1913) had recommended not only a

simplification of the pass system but also a degree of uniformity of the pass laws throughout the Union.

The prime necessity in regard to the pass law system is that it should be simplified and made intelligible to the native. As the circumstances of the different Provinces in relation to the natives are not the same, it is probably not advisable to make the law entirely uniform; yet some degree of uniformity might with advantage be established. (186)

In 1914 a Select Committee on Native Affairs (Report S.C.8, 1914 -- Native Affairs) was appointed by Parliament to investigate the whole question of the consolidation of the pass laws. (187) The Committee made little headway for it was agreed that a better and more thorough investigation would be done if the findings of a Natives Land Commission which had been set up were first awaited. The Committee however, maintained that, while at that juncture it would not be expedient to institute a consolidation of and a uniformity in the pass laws existing in the four Provinces, the time had come when an investigation should be made into the complaints concerning the pass laws and an effort made to redress some of the Natives' grievances.

In December, 1919, an Inter-Departmental Committee on the Native Pass Laws was appointed to investigate the pass system throughout the Union (Report U.G.41 of 1922). Again the necessity for a modification and simplification of the pass laws was called for. Acting upon the recommendations of this Committee, the Pass Laws Amendment Bill which dealt with the regulation of the influx of Natives into urban areas was introduced in the same year (1923) as the Natives Urban Areas Bill, which in turn was concerned with the residence of Natives in

urban areas. It was decided to combine the two bills, and the clauses in the Pass Laws Amendment Bill affecting the entry of Natives into urban areas were incorporated as Sections 12, 13, 14, 15, and 28 in the Natives Urban Areas Act (No.21 of 1923). The Act also included those sections dealing with the registration and enforcement of service contracts which had been introduced in the Native Registration and Protection Bill of 1921, but which had not been made law.

The Natives Urban Areas Act (No.21 of 1923) as amended in 1930 and again in 1937 formed, until the Consolidation Act (No.25 of 1945) was passed, the basic piece of legislation affecting the mobility of Natives. It was the first of a series of Union statutory measures restricting the free movement of Natives into and within urban areas. In brief, the Act, in so far as it concerned mobility, aimed at the registration and better control of service contracts of Natives in certain areas, the regulation and control of the influx of Natives into and their residence in such areas, and the exemption of Coloured persons from the operation of the pass laws. With these objects in view, the Act makes provision for the control of urban Natives through curfew regulations, and the issue of permits to work-seekers to live in locations. It in addition, extends to local authorities powers to remove from their areas idle, dissolute, or unemployed Natives, and to restrict the number of Natives entering the towns.

The 1923 Act gives to the Governor-General the right to declare any urban or industrial area as a proclaimed area, and lays down what powers of control may be exercised in such areas. These powers may include:

- (a) To require the registration by the employer of every contract of service entered into by a male native . . . ;
- (b) to require every male native entering the proclaimed area, from within the Union, and every native entering such area from beyond the Union except such natives as may be specially exempted by regulation, to report his arrival within a prescribed period, to obtain a document certifying that he has so reported, and to produce such document on demand to an authorized officer during such period as may be prescribed;
- (c) to require every male native who remains in the proclaimed area after the termination of a contract of service and without finding other employment, after the expiration of his licence as togt or casual labourer or on discharge from imprisonment to report as prescribed, to obtain a document certifying that he has so reported, and to produce such document on demand to an authorized officer during such period as may be prescribed;
- (d) to refuse permission to any native who appears to the officer concerned to be under eighteen years and cannot prove the contrary unless accompanied by, coming to or residing with a parent or unless coming to an approved position where the employer takes over the responsibility to return such native to his home when so required; . . .
- (h) to require every native who, within a prescribed period after his arrival or after the termination of a contract, or after the expiration of licence as a casual labourer or after discharge from imprisonment has failed to find employment to depart therefrom within a specified time and not to return thereto within a specified period. (188)

Not all Natives are subject to these provisions, and the Act specifies a list of exempted persons, including the wife, minor child, or dependant of such persons. The exempted persons are:

- (a) In the Province concerned, natives with letters of exemption granted under any law in force in the province of Natal, Transvaal, or the Orange Free State, but not any sons of such natives;
- (b) In the Cape Province any Native who is a registered parliamentary voter;
- (c) Registered owners or purchasers of land in any township as defined in par.(i) of Subsection 1 of Section 8 of Act 27 of 1913.
- (d) Chiefs and Headmen.
- (e) Ministers of religion who are marriage officers, government subsidised or part Government subsidised teachers, court interpreters. (189)

It is clear that this section aims at the restriction of the number of Natives actually entering the towns. It was hoped in this way to prevent an uncontrolled flooding of the labour market and the consequent competition and rivalry between white and black, both trying to sell their labour in the field of industry.

A very important provision of the Act appears in Section 28 which in repealing all previous legislation that made it compulsory for Coloured persons to carry passes, confined this obligation and differential treatment to Natives only.

A further means of control exercised over the number of Natives in an urban area is found in Section 6 which forbids an owner, lessee, or occupier of any land, without the consent of the Minister of Native Affairs, to allow the residence or congregation of Natives on his land if it is situated less than three miles from the boundary of an urban area. In the 1937 amendment this distance was extended to five miles and by proclamation could be increased to ten miles.

To prevent the assembly of unoccupied Natives, Section 17 makes provision for the handling of idle, dissolute, or disorderly Natives, as well as those who are habitually unemployed or who should have left the area. Any policeman or authorized officer may take such a Native to the local Magistrate, Native Commissioner, or Native Sub-Commissioner, to whom the Native is obliged to give a satisfactory account of himself. If the Magistrate finds justification for the policeman's action then he can order that, within a specified period, the Native must be removed to the place to which he belongs or be detained for

not more than two years on a farm colony, work colony, refuge or rescue home, or similar institution.

The Natives Taxation and Development Act (No.41 of 1925) which had as its object the consolidation and amendment of the laws relating to the taxation of Natives falls within the scope of those laws that affect the mobility of Natives. Every male Native of eighteen years and over is compelled by law to pay annually a poll tax of one pound which is a general tax, and, as an occupier of a hut or dwelling in a Native location, a hut tax of ten shillings per annum. On payment of his tax the Native is issued with a receipt which, like a pass, identifies him and must always be carried on his person. If the Native is not liable for tax payments he is given an exemption certificate. Section 7 of the Act lays down that the tax receipt, certificate of exemption, or certificate of extension must be produced on the demand of the tax receiver, any authorized Government official, or Native headman. A failure by the Native to do this is treated as a criminal offence.

The passing of the Native Administration Act (No.38 of 1927) was another Act that placed restrictions on the movement of Natives. Section 5 provides that the Governor-General may define and change the boundaries of the area of any Native tribe; he may, in the interests of good government and administration of Natives, separate existing tribes, unite tribal groups, or establish new tribes. If he considers it necessary he can order the removal of any tribe or part of a tribe, or even any Native from one place to another, or from one Province or district in the Union to another. If the tribe objects to this removal the order by the Governor-General may only be

given if a resolution has been adopted by both Houses of Parliament.

In terms of Section 28(1) the Governor-General may by proclamation repeal all or any of the existing pass laws with regard to the carrying of passes, and create and define pass areas within which Natives may be called upon to carry passes. He also has the right to prescribe regulations for the control and prohibition of the movement of Natives, into, within, or from such areas. These areas, however, may not include any area in the Schedule to the Natives Land Act (No.27 of 1913) or any amendment to that Act.

In terms of sub-section 1 of Section 28 Native Administration Act (No.38 of 1927), Proclamation 150 was issued on 17th August, 1934 by the Governor-General to bring about control and prohibit the movement of Natives. With operative effect from 1st October, 1934 it repealed the existing pass laws in the Transvaal and the Orange Free State and introduced a common pass system. The Proclamation provided that any Native (other than an exempted Native) who wished to enter, travel within, or leave either of these Provinces (Scheduled Areas not included) had to carry and be able to produce on the demand of a policeman or other official, a travel pass issued and signed by an authorized official. (190) The number of exemptions given under this Proclamation included exemptions not only from the travelling pass in this instance but also from passes created in terms of the Natives Urban Areas Act (No.21 of 1923).

Amendments to the 1923 Urban Areas Act were passed in 1930 and 1937 and these Acts introduced further measures

controlling the influx of Natives to the towns. Sub-section 1 of Section 1, of the Natives Urban Areas Amendment Act (No.25 of 1930) provides that the local authority may in accordance with regulations demand that, with certain exceptions, any unemployed Native living in its area of jurisdiction should remove from it. In actual fact no regulations were made, and for years this control measure was not acted upon. Another interesting feature of this Act lies in the fact that more power was given to the Governor-General. In terms of sub-section 6(a) of Section 3 he can proclaim that from a specified date no Native may enter a certain proclaimed area either to look for work, or to undertake employment, or to live there other than subject to certain prescribed conditions. Should a Native not obey these regulations sub-section 6(b) provides that he is guilty of an offence. Section 4 empowers a local authority to apply for its area to be a proclaimed one in which no Native, except under certain conditions, may enter. If in the opinion of the local authority or the Central Government the labour requirements of the urban area are being adequately fulfilled, the 1930 Act makes it possible on such grounds to prevent Natives from entering the area. As very few local authorities made use of this provision, in 1937 the Government stepped in with legislation aimed at enforcing it.

Section 7 of the 1930 Amending Act extends the provisions of Section 12 of the 1923 Act by making it necessary for a female Native to obtain a certificate of approval (to be produced like a pass on demand) from the local authority to enter a proclaimed area. In other words legally a wife can be refused permission to enter an urban area where her

husband may already have settled. Where a female is a minor, such a certificate may only be issued if the consent of her guardian is obtained. Further, subject to the condition that the necessary accommodation is available in the area which the female wishes to enter, she can only obtain a certificate if she can prove that her husband (or in the case of an unmarried female her father) has been resident and continuously employed in the said area for not less than two years.

Further powers to handle the removal of Natives from urban areas are granted in terms of Section 8. The Act also introduces restrictions on the freedom of assembly. Section 13 deals with the conduct, control, supervision, and restriction of meetings or assemblies of Natives within an urban area, (i.e. other than in a location, Native hostel, and Native village) as well as attendance at social functions such as dances.

Provisions dealing with curfew regulations are to be found in Sections 19 and 20 of Act 25 of 1930. These regulations can be applied anywhere in the Union and apply to both male and female Natives. Section 20 provides for the repeal of existing curfew regulations. In terms of Section 19 the Governor-General may, at the request of a local authority, declare that no Native, whether male or female, may be in any public place within the area controlled by such authority during certain specified hours of the night (usually 10 pm. to 4 am.). Exception to this is made if he/she is in possession of a written permit signed by his/her employer, or some other authorized person. On every such permit must be entered the date of issue and the date and hours for which the permit is

valid. On the demand of a policeman or authorized person this permit must be produced. Should the Native contravene the provisions of this Section he or she is guilty of an offence. The signing of a night pass by an unauthorized person is also regarded as an offence. A proclamation issued under this Section does not apply to certain exempted Natives or within any Native village or location. The list of exempted persons is the same as the list falling under the Natives Urban Areas Act (No.21 of 1923), i.e. Natives exempted from the provisions of proclaimed areas.(191) The list also includes a Native (and any female dependent on him) who is a registered owner, within the urban area, of immovable property rated at £75 or more, and is ordinarily resident on or in such property.

Section 2 of the Native Service Contract Act (No.24 of 1932) is closely linked to the pass laws. This Act, by channelling Native labour in such a way as to assist farmers to obtain agricultural labourers, places certain restrictions on the free mobility of the Native worker. Only those Natives in possession of certain passes and documents can qualify for employment. In terms of sub-section (1) of Section 2 no person may employ any male Native of any age resident in the Union, and no Government official may issue to any such Native a pass or similar document to enable such Native to proceed to any place other than his home, unless the Native can produce to him a prescribed document of identification. It is further provided that no person may employ any Native who is or appears to be not more than eighteen years. Exception to this is made in the case of a Native male if he has a signed statement by the owner of the land on which his

guardian lives (or if female her parent or guardian has signed or made a cross) giving his consent for him/her to enter into a contract of service. The Act amends the Transvaal and Natal laws regarding masters and servants and applies mainly to these Provinces. If a Native lives in the Transvaal or Natal outside a location, he cannot be employed by anyone unless he can produce a labour-tenant contract between himself and the owner of the land on which he is living. If unable to do this, the Native must produce a signed statement by the owner that he is not under any obligation to render service to him. All these documents are no different from passes and clearly restrict the free mobility of the Native worker.

The Native Laws Amendment Act (No.46 of 1937), by extending the powers of the local authorities and the Governor-General introduced more stringent measures to restrict the ingress of Natives to urban areas and to control the movement of Natives within the towns. In terms of this Act a Cape Native Parliamentary voter was no longer exempted from the obligation of carrying a pass if his vote qualification was obtained merely by virtue of the fact that he occupied premises rated above the specified rated value in any location owned by the local authority. Sub-section 6(a) of Section 4 provides that the local authority, at the request of the Minister, may give persons conducting a school or similar institution or any entertainment for the benefit of Natives six months' notice to cease conducting that school anywhere in an urban area other than in a location, Native village, or hostel. Sub-section 7 provides that, as from the commencement of the 1937 Act, no person, without the approval of the Minister and the concurrence of the local authority, may conduct on premises situated in an

labour contract; or if he is under the age of eighteen years and is not in the care of a parent or guardian (unless his employer is prepared to vouch for him). The Act demands that every local authority should keep an accurate census, to be taken every two years, of the Native population in its area. The local authority is also required to estimate the labour needs of the town. In terms of Section 21 provision is made for the removal of those Natives considered to be in excess of the labour requirements of the area. If the Native is lawfully domiciled in the Union he may be removed to the place where accommodation has been provided for him and his family, or if he is not lawfully living in the Union to any place outside it or to any other place. Provision is made for the local authority to assist financially with such a removal.

A male Native may not, according to the Act, stay more than fourteen days in an urban area except if under contract of service, unless he has the consent of an authorized official. An exception is made if a Native is on a visit but even then he must have a certificate from an official.

In 1932 the Native Economic Commission had reported (U.G. 22 of 1932) on the pass laws and advocated the simplification and the eventual abolition of all passes:

The Commission found that the desirability of some comprehensive registration of Natives was generally admitted, both in their own interests and those of the community, but it was equally generally urged that some simplification of the existing pass system is overdue. (192)

The Commission pronounced itself against the application of pass restriction to Native women, (193) and it reported further:

to the issue of night passes the Commission anticipated the eventual abolition of all curfew regulations and felt that, as law and order was established, common law would be sufficient to handle the night movement of Natives.

The Native Laws Amendment Act (No.54 of 1952) was the first major legislative measure concerning the mobility of Natives that was passed after the issue of the Fagan Report. By this time the Nationalist Government had been in power for nearly four years and were concentrating all their efforts on making the policy of apartheid more effective. The Act confines the settlement of Natives to their particular areas of residence and prohibits free movement within and into the towns. By placing still more stringent restrictions on the entry of Natives into urban areas it was hoped that the number of Natives in the towns would be frozen. While the Act provides for all urban areas to fall into the class of proclaimed areas, Section 27 lays down that no Native may stay longer than 72 hours in such an area unless: *Now §10*

- (a) he was born and permanently resides in such area; or
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully remained continuously in such area for a period of not less than fifteen years and has not during either period been convicted of any offence in respect of which he has been sentenced to imprisonment without the option of a fine for a period of more than seven days or with the option of a fine for a period of more than one month; or
- (c) such native is the wife, unmarried daughter or son under the age at which he would become liable for payment of general tax under the Natives Taxation and Development Act 1925 (Act No.41 of 1925) of any native mentioned in paragraph (a) or (b) of this subsection and ordinarily resides with that native; or
- (d) permission so to remain has been granted to him by a person designated for the purpose by that urban local authority. (201)

Section 2 which deals with the issue of reference books to all Natives who have reached the age of sixteen years, are resident in a specified area, and belong to a class specified by the Minister. The Act lays down in Section 8 that these reference books must contain certain prescribed particulars such as name, ethnic group, photograph, and notices of engagement or termination of a service contract. In terms of Section 13 a Native is compelled to produce his reference book on demand by any authorized officer. The Act further provides, in Section 11, for the establishment of a Native Affairs Central Reference Bureau to which in terms of Section 3 is transmitted the finger prints (or signature in the case of certain exempted Natives) of every recipient of a reference book. Those Natives exempt include chiefs or headmen, as recognized in terms of the Native Administration Act (No. 38 of 1927), Government teachers and lecturers, ministers of religion, advocates, attorneys, doctors, dentists, or holders of special letters of exemption (Section 3). These Natives have reference book covers of a different colour from those carried by the rest.

On 23rd June, 1952 Dr. Verwoerd, as Minister of Native Affairs, in discussing in Parliament the concessions made for exempted Natives said:

Those persons who have formerly had exemption documents, who have formerly received exemption, can be given a document of a different colour to indicate that they have been exempted before . . . A further concession is that in their case the finger-prints need not be given when they are handed their pass books. (204)

To link the Act with the Population Registration Act (No. 30 of 1950) provision is made in Section 4 for the affixing

in the reference book of an identity card issued in terms of Section 13 of that Act. (The first issue of identity cards ever to be made to Native women over sixteen years took place on 14th March, 1956). Section 9 further restricts the mobility of the foreign Native by providing that except in the course of employment these Natives may not enter any district without first having obtained written permission from the Native Commissioner or Assistant Native Commissioner of the district in which they live. Native children under the age of sixteen years are forbidden, in terms of Section 10, to work anywhere else than on the land where their parents or guardians reside. Exception here is made where they have the consent of their parents or guardians on a document of identification issued either by the Native Commissioner of the district or the location superintendent (i.e. depending on where the families are domiciled).

The Natives (Urban Areas) Amendment Act (No.16 of 1955) was introduced to amend the Consolidation Act (No.25 of 1945) and its subsequent amendments. Apart from provisions restricting the Natives' right to settle in urban areas, this Act limits the mobility of the Natives by restricting their freedom in the choice of work. Emphasis is placed on earlier provisions dealing with foreign Native work-seekers. This Act expressly forbids such Natives from entering an urban or proclaimed area, and prohibits employers from employing or continuing to employ them, without the written permission of the Secretary for Native Affairs and the concurrence of the local authority (Section 5). In the administration of this provision no new permits are currently being issued to foreign Natives. Those legitimately domiciled in urban areas,

however, are allowed to remain provided that they stay continuously in the area and when wishing to return temporarily to their tribal home obtain permission to go on holiday. An interesting reference was made by the South African Institute of Race Relations with regard to the implementation of this provision. (205) On the roads leading into Basutoland the South African Police set up guards and road blocks and as Basothos en route for the Free State passed by they were warned that without the necessary permit they could not enter the urban areas of the Free State. Because of the fact that these Natives had always done their shopping in Ficksburg and now were not legally entitled to enter that town there was a great hue and cry from shopkeepers who found their clientele greatly reduced. As a result of the outcry the Government found itself obliged to turn a blind eye to the administration of this provision despite the fact that the Act provides that any failure to observe the provisions renders either party guilty of an offence!

An important provision which was introduced in Section 6 of the 1955 Act extends to young Natives over the age of fifteen years, but under nineteen years, the provision laid down for adult Natives in Act No. 54 of 1952. This provision makes it possible for a Native suspected of, and finally found guilty of, being idle or disorderly to be sent to an institution such as a farm or work colony where he is obliged to do such work as may be prescribed in terms of the Act or the regulations framed under the Act.

Amending Act No. 16 of 1955 elaborates on the earlier provision that except in certain circumstances a Native may not remain in an urban area for more than 72 hours. It provides

that permission to a Native work-seeker should not be refused if he wishes to re-enter any area after having been absent from that place for not more than twelve months, provided that he wishes to take up employment with the same employer and in the same class of work as he was employed before leaving that area. This permission cannot, however, be granted if, in terms of this Act or any other legislation, the Native was prohibited from entering the particular area.

The purpose of the Natives (Prohibition of Interdicts) Act (No.64 of 1956) was to prohibit the Courts from staying or suspending the removal of Natives from any land, building, or area, provided that this removal is instituted by an official warrant issued under any Act. The Act provides:

Whenever any native is or has at any time prior to the commencement of this Act been required by any order --

- (a) to vacate, to depart or withdraw from, to be ejected or removed from, not to return to, not to be in or not to enter, any place or area; or
- (b) to be removed from any place or area to any other place or area; or
- (c) to be arrested or detained for the purpose of his removal or ejection from any place or area, no interdict or other legal process shall issue for the stay or suspension of the execution of such order or the removal of the property of such native in pursuance of such order, and no appeal against, or review proceedings in respect of such order or any conviction or finding upon which such order is based, shall have the effect of staying or suspending the execution of such order or such removal in pursuance thereof. (206)

Prior to the passing of this Act it was possible, if there was incorrect information on the warrant authorizing the removal of a Native and he had, for instance, lawfully entered an urban area, for that Native to appeal to the local Magistrate. The Magistrate could, when furnished with the main

details, issue a temporary order permitting the Native to remain in the area pending a thorough investigation of the case. In terms of the Natives (Prohibition of Interdicts) Act the Court is deprived of this right regardless as to how genuine the Native's claim (that he is legally entitled to be where he is) may be.

The Natives Urban Areas Act (No.69 of 1956) introduces more restrictive legislation dealing with Natives whose presence the local authority considers is detrimental to the maintenance of peace and order in the urban area. Any local authority may banish such a Native either temporarily or permanently from its area. Should a Native who was temporarily banished be ordered within five years to leave an urban area for a second time even though the order is not necessarily issued by the same local authority, the Minister of Native Affairs has the right to ban that Native from any area, rural or urban, in the whole country. It would appear that this provision primarily affects the permanent Native town resident. A Native who has lived all his life in an urban area can through this provision be rendered legally homeless and unable to go anywhere. The fate of his dependants resident with him is the same.

Mobility, in so far as attendance at various institutions etc., is concerned, is dealt with in considerable detail in the Native Laws Amendment Act (No.36 of 1957). Until 1957 Section 7(a) of the Native Laws Amendment Act (No.46 of 1937) regulated such matters but it referred only to organisations and institutions that catered primarily for Natives. The new Act, which revealed a Government determined to restrict the

movement of Natives from every angle, introduced a different slant on this control over mobility by exercising control over organizations which merely admitted a Native. This legislation seems to aim at stopping, except with the consent of the Minister which could be subject to such conditions as he considered necessary, all voluntary White and Native contact.

Under the terms of the early legislation, no church, school, institution, or place of entertainment primarily for Natives could be conducted without the permission of the Governor-General in an urban area outside a Native location, Native village, or Native hostel unless it was already in existence on 1st January, 1938. While the new Act still provides that the Minister's consent must be obtained to conduct an organization which is attended by Natives and which was established after the passing of the Native Laws Amendment Act (No.46 of 1937) it goes a step further in its control. It provides that the Minister may by notice in the Gazette order that the attendance by Natives at, or admission to, any church, school, hospital, club, any other institution or place of entertainment in an urban area, outside a location, Native village, or Native hostel, must cease if the Minister considers the presence of these Natives on the premises, or in the area over which the Natives must travel in order to attend, is regarded as a nuisance by residents in the vicinity or it is considered undesirable to have so many Natives assembled on those premises. Contravention of these provisions makes the Native attending, guilty of an offence for which the fine is ten pounds and/or imprisonment with or without hard labour for a period not exceeding two months. Section 29 further provides that an exception is made to these conditions when in cases of

extreme urgency a patient must be admitted to a hospital. Further, the section lays down that the Minister's consent must be obtained for the holding of any meeting, social gathering, (or any other type of gathering), in an urban area outside a location, Native village, or Native hostel, which Natives attend. The Minister advises the local authority of any intention he might have to prohibit meetings or attendance at a church or school etc., so that the local authority may lodge objections, if it wishes, within a specified period.

Section 29(e) introduces an added restriction on the mobility of Natives. It provides that except with the permission of the owner or occupier of any land or building in an urban area outside a location, Native village, or Native hostel, no Native may enter that building or go on to that land unless doing so in the course of duty. Exception to this is made if provided for by some other legislation. In terms of this provision, then, a Native has no legal right without permission to visit his wife at her place of work or call on a sick child who may be in hospital. Dr. Verwoerd, as Minister of Native Affairs, explained at the Second Reading of the Native Laws Amendment Bill 1957 his reason for introducing this new restrictive clause:

It is intended to prevent the unlawful entering of premises or buildings in an urban area. We receive complaints from time to time that after the introduction of the identity card system, as the result of which Proclamation No.150 of 1934 was withdrawn, it happens that Native criminals enter premises or buildings without the owner's consent, perhaps on all kinds of silly pretences, . . . The Squatting Act of 1951, it is true, makes provision for dealing with such illegal trespass. But this Squatting Act is applicable only in the areas to which it was specifically made applicable. Under these circumstances both the Police and my Department

felt that what is needed is a provision putting it beyond any doubt that a person may not be on premises or in a building where he has no duties to perform or has no consent to be. But now it is implicit in this clause as printed that a person will not be stopped for performing work he legally has to perform there. (207)

If a Native loses his qualification to remain in an urban area for more than 72 hours, and the Minister is satisfied that he is unable either to find employment for himself or accommodation for himself and his family, then Section 30(d) of the Act 36 of 1957 provides that the Minister can place that Native and his family on a residential site either in a Scheduled Native Area or in a Released Area.

These provisions should be reviewed in conjunction with the Group Areas legislation introduced originally seven years earlier. Through this legislation the Minister of the Interior was granted vast powers to control inter-racial contact. By Proclamation 333 issued on 1st November, 1957, it became illegal in a group area or a controlled area for any person to attend a cinema, enter a tea room to take refreshments, or to visit as a member or guest of any club, (except if in possession of a permit), if he was a member of a group disqualified to attend such places in that particular area.

Previously in terms of the Native Laws Amendment Act (No. 54 of 1952) Natives born and permanently resident in an urban area were entitled to remain for more than 72 hours without obtaining permission. Section 30 of the 1957 Act introduces the provision contained in Section 10 of the Natives (Urban Areas) Consolidation Act (No. 25 of 1945) by providing that for a Native to obtain this exemption he must since birth have resided continuously in such area, i.e. uninterruptedly

since birth. Natives who had at any time worked continuously in that area for one employer for not less than ten years, or who had lawfully lived continuously there for not less than fifteen years, provided that during either period they had not been convicted of certain offences, were also legally entitled to remain in the area without obtaining permission. In terms of the new Act automatic exemption in these two latter groups can only be obtained if the Natives concerned continue to reside in that area and are not employed outside the area. Should a Native have been or be sentenced to a fine exceeding £50 or imprisonment for a period exceeding six months during either period or thereafter, the exemption is cancelled.

In 1955 in the case Mathebula versus Ermelo Municipality heard in the Transvaal Provincial Division of the Supreme Court, it was legally proved that a Native who might temporarily have left the urban or proclaimed area of his birth could, if he so desired, during a 72-hour return visit again become accepted as a permanent resident there. (208) The 1957 legislation, however, deprives the Native of this right, for he must have resided uninterruptedly since birth in the area concerned in order to gain automatic exemption to re-enter. In fact, an absence of one night might prevent a Native from returning to an urban area which might be the only home he knows. His re-entry depends on permission granted by the Government Labour Bureau.

No longer, as in terms of Act 16 of 1955, may a Native re-enter an urban area after an absence of twelve months to work for the same employer and to undertake the same class of work as previously performed by him. The new Act permits

be idle, dissolute, or disorderly. Labour Bureaux take over certain duties of the local authority by being granted the sole right of control over the entry of Native work-seekers into urban areas.

CONCLUSION

So it would seem that hand in hand with the Government's legislative policy of restricting the domiciliary freehold rights of the Native to his tribal land goes the twin policy that denies him the right of freedom of movement within and into urban areas.

Only the future could reveal whether the history of a century could be changed by the will of a legislative body. (209)

CONCLUSION

If any body shall reprove me, and shall make it apparent unto me, that in any either opinion or action of mine I doe erre, I will most gladly retract. For it is the truth that I seeke after, by which I am sure that never any man was hurt; and as sure that he is hurt that continueth in any error, or ignorance whatsoever. (210)

The preceding chapters have sought to provide a clear picture of the Native group in South Africa — to depict its background and environment; to reveal the social factors and human relationships that have influenced and shaped it; to record how, in the grip of the concomitants of urbanization and industrialization, the group has broken away from established custom and tradition and is evolving new values, new institutions, a new way of life. In drawing this picture, the major emphasis has been on those legal restrictions that have affected the domicile and mobility of the Native for the period 1910-1958. However, the effects of these restrictions on other aspects of the Native's life such as the pattern of his family relationships, and the effects on the community as a whole, have not been overlooked.

In the Union the White population holds, and for the immediately foreseeable future seems likely to continue to hold, a position of political, social, and economic superiority. According to authoritative estimates of population trends, however, South Africa seems destined to remain a country predominantly peopled by the non-White races, and it is likely that the Native will continue to form the largest section of this non-White group. Thus the White group, behind a barrage of custom, tradition, legal enactment, and administrative policy, faces the responsibility for a group numerically greater, and yet for 300 years regarded as inferior, to itself.

It is impossible to imagine the economy of South Africa functioning adequately without the Native labour on which, indeed, the economy has been built. In the urban areas there are some 3,000,000 Natives whose presence is essential to the

White man's existence, but whose residence in those areas is not regarded as permanent. Because the legal and constitutional measures concerning the Natives have been based on the assumption that he is only a temporary urban resident, his status in consequence is unfavourable as compared with other ethnic groups. In so far as the Native is to have economic, political, or social privileges at all, they are to be enjoyed only in his homeland, the reserve.

In spite of influx control, markedly intensified over the past decade in an attempt to restrict the number of Natives in the towns and to return excess Natives to the reserves, the urban Native group has not diminished. There is an increasing measure of agreement among industrialists that the supply of Native labour cannot be cut down without affecting the rapidly-accelerating industrial development of the country. Indeed, this acceleration might very well bring about a collapse of the whole policy of segregation. It is for these reasons that the urbanized Native emerges as the focal point of study in this thesis. It is the urban Native, "without whose labour the natural resources of the country cannot be effectively exploited, without whose developed productivity the national wealth cannot be increased, and without whose effective demand the wheels of industry cannot be kept turning sufficiently rapidly to give work to all those of all races who must have work to live", (211) who, in being denied basic social rights and a place in the society which has created him, is possibly the country's biggest social problem. Present policy seems to anticipate that the position of this Native will, by means of restrictive legislation, be kept

I propose first then to discuss those socio-economic problems arising directly from the continued presence in the urban community of a group requiring socio-economic assistance if it is not to upset the stability of the community as a whole. In discussing these problems, particularly as they affect community stability, I propose to summarize briefly the effect of the legislation discussed in this thesis on the urban Native, on the community as a whole, and on the national economy, particularly in the industrial sphere.

Many South Africans in the social work, industrial, and health fields have already pointed out the disadvantages and the dangers of the conditions under which the urban Native must live. Many recognize the deep-seated social evils which are the direct result of these conditions.

These problems were recently stressed in a report presented to the Annual Conference of the National Council of Women of South Africa by Miss Hansi P. Pollak (National Adviser for African Affairs to the Council). (212) Dealing with the main disabilities and problems of the urban Native, she pointed out in the introduction to her report that the tempo of implementing apartheid in every aspect of national life had been accelerated during the past year (1959-1960). She went on to tell her listeners that a very large proportion of Natives were now "detrribalized" and were mainly unskilled labourers, few of whom had any "roots" in the reserves. Among the social evils she discussed were prostitution, illegitimacy, illicit liquor trading, and the fatherless status of many families that result from the migratory labour system. Low wages and job reservation were also mentioned as affecting

the economic status of the Native.

We may find added evidence of social disorganization of the individual or family in the increasing crime and delinquency rates among urban Natives -- statistics which make startling reading. As was emphasized in the introduction to this thesis, a stable family life is a necessary prerequisite for the growth of a stable society. Since it is the family that is primarily instrumental in the creation of a well-developed personality, when family life is disintegrated and disorganized it must affect the child and the development of his personality. The individual who is not a well-integrated personality cannot function adequately in the community and so contributes to a disorganization of that group, a condition which must inevitably in time lead to a pathological condition of the society as a whole.

Family life, thus seen as the greatest need in the life of the individual, is through legislation affecting mobility withheld from millions of Natives resident in urban areas. Under the system of migratory labour these Natives, residing under the unnatural conditions of mine compounds and single barracks, are deprived of all the privileges and advantages of family life. Restrictions on the entry to the urban area of the wife and children of Native urban workers is further instrumental in breaking up families. Apart from the fact that urban areas are not planned to provide accommodation and amenities for Native families, the fundamental idea behind this legislation is the desire to encourage home life in the reserves and the establishment of Native communities there. In reality, however, while the urban Native is denied a normal

family life, the idea of the development of the reserves, as we have already pointed out in this chapter, is irreconcilable with the present economic structure of South Africa dependent as it is on a constant and abundant supply of cheap Native labour.

In denying the urban migratory labourer the kind of basic social right affected by South Africa's discriminatory legislation, he is of course being denied opportunity for developing his personality to the full. This legislation then is not only instrumental in destroying the solidarity of the family, but also prevents the development of that social solidarity necessary for the creation of a stable society. Further, the social processes involved in the entry of the tribal Native with his alien customs and traditions into the settled established community of the White man brings with it the most intricate social problems; the processes call for adjustment of individuals, groups, communities, cultures, to meet the new conditions. This situation can indeed create a whole pathological area of social relationships associated with the family, as the old tribal patriarchal home which was the social and economic centre for its members is completely destroyed.

MacIver's definition of a community (5) refers to a group of individuals living together in such a way that they share not this or that particular interest but the basic conditions of a common life. In the denial of a settled family life to the migratory worker, the social structure of South Africa appears singularly bereft of the element of community.

It is not only the migrant Native worker and his family that presents a problem. As has been pointed out in this thesis, there are those Natives who have completely separated themselves from their tribal home life and have no knowledge of any other but their urban homes. Many of them have spent a lifetime, or a major portion of a lifetime, in an urban area -- a period long enough to have divorced them from all earlier contacts. They are the true "urban Native", for whom no return to the reserves could be an adequate solution of their problem.

Herded together in separate territorial urban areas, the city family life of many urban Natives, whether newly arrived or old inhabitants, is associated with overcrowded slum conditions. Site-and-Service housing schemes, introduced through legislation as a temporary measure, are certainly not schemes planned in terms of family living. The overcrowded atmosphere of an insanitary one-roomed shanty in which cooking, eating, and sleeping take place, and where there is an absence of privacy, is not conducive to healthy family life. Such conditions must promote loose family relationships and a breakdown of decent moral standards; they are incompatible with good health, and must adversely affect productivity in industry.

While Individual instabilities and family instabilities are major results of restrictive legislation, other baleful effects of great importance may be seen on the national economy, both in the low productivity of labour and in the prodigious cost to the country of welfare services. No matter how legislation may strive to erect barriers between

racial groups, and even if the White group remains dominant, the question of providing certain welfare services to offset the results of socio-economic inadequacy in the subordinate group cannot be ignored. Crime, delinquency, disease, and poverty in the Native group must cause repercussions in the White group. Social security implies adequate protection for all ethnic groups; the health and welfare of the community requires the establishment of proper facilities for all; national productivity and the national economy demand a healthy and intelligent labour force if the crippling costs of poor quality production and absenteeism are to be reduced.

It is interesting to record a reference made by the Government Medical Officer in the 1950 Report of the Institute of Family and Community Health. In a section dealing with the "Health of the Worker in Industry", reference is made to absenteeism among Native workers. In relating this social pathology to family life the Report reveals:

Among Natives the lowest incidence is found in men who live with their wives and families in town, whereas the highest absenteeism occurs in married men living away from their rural homes in migrant labourers' hostels. (213)

One of the recommendations made by the Institute was that, in order to obtain maximum efficiency among Native industrial workers, the housing provided should be married family quarters. The efficiency of an industrial worker must be related to his family life and home circumstances; the productivity of an efficient labour force will reverberate on the economy of the whole country.

The stringent legislative restrictions on the free

movement of Native labour from rural to urban areas that take neither the financial straits of the Native nor the manpower demands of industry properly into account, must affect the economic security of the Natives. Those no longer legally entitled to remain on White farms find themselves displaced when, on the one hand, they may not freely enter the urban areas and on the other, are unable to make a living in the reserve. Through the administration of the pass laws which control the mobility of the urban Native within certain areas, most otherwise law-abiding Natives find themselves guilty at some time or another of a pass offence for which either a fine must be paid or a prison sentence served. In the former case this imposes an economic burden on a family belonging to the lowest income group, in the latter, family life is temporarily disrupted, while the offender who is almost invariably the breadwinner is no longer earning. All these factors are very closely linked with the whole question of economic insecurity.

(214) Further we must realize that job reservation, industrial colour bars, and lack of education and training which prevent the Native from entering the ranks of skilled labour in competition with the White man, are also factors which militate against his earning sufficient for him to live on a standard that will preserve his productivity. The man who is forbidden to move about freely and who may not sell his labour where he likes is being strangled economically, a situation that generates economic insecurity and poverty. Just as economic factors affect social relationships, economic insecurity affects social security. Since poverty brings with it such concomitant social problems as crime, delinquency, disease, malnutrition, and drunkenness, the whole social

structure is affected. Moreover, the need created by such social pathologies for hospitals, clinics, school feeding schemes, increased police and social welfare services, and subsidized housing, is a tremendous tax on the economy of the country.

A final factor to be mentioned in considering the effect of control of domicile on the individual and national economy is that the territorial segregation of Natives in urban areas far removed from the centre of the town involves for the breadwinner long journeys to and from work. This is a factor found to be closely allied to absenteeism. (215) The transportation costs, despite subsidization, involved in making these journeys are a financial burden on the Native. Where because of economic necessity both parents work, children grow up without adequate parental discipline.

We have then the facts about legislation restricting many aspects of Native life; we have the recognition of the repercussion of these enactments on the socio-economic life of the Native, on the Native community, on the White community, on the whole of South African life. The effects of the factors we have discussed are perceptible to the industrialist, the housewife, the sociologist, the social worker, the doctor, and all other people who in the course of their work must daily attempt to solve the problems presented by the urban Native. On economic grounds alone the nation cannot afford to pay for all the social welfare and rehabilitative services necessary unless the Native can make a substantial contribution to the costs. Under the present labour conditions he is in no position to do so. It would seem to be only common

sense therefore, for the dominant White group to consider ways and means of improving the socio-economic status of the Native and thus preventing the emergence of further problems.

Other countries in the Western world have had to consider similar problems and there is adequate evidence to substantiate the belief that any community has it within its power to alter prevailing conditions when these are recognized as threatening the stability of the community. Man is learning more and more to rebuild and reconstruct his own environment and control his own destiny. History has revealed to him the fact that he need not accept the inevitability of any particular social system and that through the organization of co-operative effort he can use his power to remove those conditions, circumstances, and obstacles which he believes impede his progress and are not conducive to his welfare.

While endeavouring to find a solution which he knows can never be clear-cut or final, since human relationships are not static but always fluctuating and changing, he must not visualise Utopian schemes that in their implementation might disrupt the entire society. In his search for a solution he must, while remembering the dignity and worth of each citizen, accept the social situation as it is, appreciating the social forces that have shaped it — he must endeavour to build the future in terms that the past has determined:

Any system of society at any time will harbor abuses, will display patterns of discrimination, and will fail to provide all the essential services which people should have. At the right time and under the right circumstances an abuse can be corrected or a needed social program

started. But the planned promotional and coordinating activities carried on in community organization have to work with the warp and woof of society as it is at any given point. There are things that should be done for the improvement of health and welfare services, and there are things that can be done and things that cannot be done. And if social processes are read aright, today's impossibility may often develop into tomorrow's practical program. Effective leadership, effective promotion, or effective coordination may make the difference between success or failure in meeting a particular need at a particular time. But even the most skilful professional workers and the best-organized community organization programs cannot succeed if they attempt to go too much against the grain of the social realities which exist and which must be acknowledged. (216)

The facts as collated in this thesis have brought home to me in a new light how imperative it is that some method should be considered of solving the problems consequent upon the legislation discussed. Without some timeous modifications, it appears to be inevitable that an unstable community must result. The rest of the world is slowly but surely eradicating from the socio-economic scene any remaining discrimination between peoples of different colour. In the face of such wide-spread acceptance of social and economic equality -- in most instances written into the statute books of the countries concerned -- we must ask if South Africa can be successful in retaining her old patterns. Can we assume that Pareto's theory of the circulation of the *élites* will never take place? The force of an economic argument is one that would not have been lost on Pareto; the relevance of Pareto's theories to South Africa's present structure serves to emphasize that economically we cannot afford discrimination; it threatens our social security. In addition to this, perhaps beyond it, there is the ethical question. And the ethics of

apartheid have often been questioned.

Every Native who enters the world of the White man is drawn into the stratified caste society of South Africa where, because of certain unalterable bodily traits, his position must ever remain static. Only in the dreams of philosophers of a world where all individuals are innately equal in every way can perfect equality prevail. Within every society whether it be large or small, primitive or complex, authoritarian or democratic, social stratification is to be found. As Sorokin declares; "unstratified society, with a real equality of its members, is a myth which has never been realised in the history of mankind." (217) Indeed, social stratification is recognized in the social mores of any community. We must also recognize that, with improvements in communication and transport, the spread of knowledge and learning, and the need for inter-dependence between countries, the world has become a unity and it is impossible to isolate different parts of the globe from one another. On the other hand, the problem of race relations still remains one which has not been fully solved on a world-wide scale.

Ina Brown, in "Race Relations in a Democracy" declares:

The existence of race relations, then, depends not so much on racial differences between peoples as on their consciousness of those differences and the importance attached to them. Race relations may even exist where the physical differences are imaginary, not real. That is, the actual or assumed biological differences of groups are important only when and because such differences are believed to be important. (218)

As a student of sociology I am concerned not with how a man is classified -- whether he is White or Native -- but rather in those social relationships that are affected because of the fact that the social order makes individuals and groups conscious of physical characteristics that distinguish them from others.

In my opinion there are clear indications that many South Africans do realise the unreality of the legislative restrictions we have discussed, and are concerned at the possibility of an increase in those problems which the urban Native presents. Many are aware that the effects outlined in the preceding pages are not confined to the Native group alone. With the growth of the concept of social welfare and the desire for better living and working conditions for the whole country, sociologists, industrialists, and others have repeatedly emphasized the importance of a stable labour force. It is realised that, since the Native forms the greater part of this working force, he should be given every opportunity for a settled family life, reasonable living conditions, and an economic wage. It is also recognized that under the present legislation affecting the Native's domicile and mobility this is impossible.

In a recent editorial in the local press, reference was made to a newly-introduced pension scheme for Natives, devised by the Chamber of Commerce in Johannesburg. It was emphasized that such schemes were welcome in that they ensured progressive industrial prosperity by helping to maintain a stable and contented labour force. It was, however, recognized that there were grave difficulties in the operation of

such schemes; until present legislation was reviewed, such schemes could not but be adversely affected. It was said that:

Pensions of this nature are Western in concept and go well with industrialization and a stable society. They are incompatible with tribalism, migrant labour, the inability to own land for a home in the 'White areas,' the prolonged separation of husbands and wives under the Natives (Urban Areas) Act, and industrial workers who keep one foot in a Native reserve. (219)

I have shown that there are grave socio-economic problems in South Africa directly attributable to the restrictive legislation now in force concerning the Native. I have shown that sociologists are agreed that change is of the nature of society -- there is no society that does not change, although social change does not take place at a uniform rate. I have revealed that informed public opinion in South Africa recognizes the need for radical change in the present socio-economic conditions of urban Native life. We may thus reasonably ask why we should not expect rapid changes in what is a defective legislative system.

Before answering this question we must realise that coupled with objective fact and socio-economic necessity one further set of factors must be recognized -- the subjective ideals and values held by many Whites, which have been mentioned on several occasions in this study, and which have been behind much of the legislation discussed. I feel it is necessary to mention briefly some observed behaviour patterns among individuals and in certain organizations. Without recognition of these, the factual picture presented in this thesis would not be complete. No judgement is implied in

this discussion, neither are any suggestions made as to modification or intensification of these values.

In a country where the colour of a man's skin is the criterion of his social, political, and economic status, his main concern must be to keep his colour pure. The desire for self-preservation, coupled with a fear of miscegenation, must seek to perpetuate and strengthen the existing situation. Legislation which protects the White man demands that he separate himself off from the Native so that all possible contact between White and non-White is removed -- a situation regarded as essential for the preservation of the White race. Reinforcing this desire are the ideals of race purity, race superiority and the defence and maintenance of White civilization and culture.

Scientists the world over have proved that there is no such thing as a pure race, for through intermarriage, conquest, and migration, mixed races have emerged. Science has further exploded the theory held for generations that the White race is superior to the non-White by nature of an endowment handed on from age to age and destined to remain so till the end of time -- superior in a way therefore that social and cultural factors could not alter.

We have seen that socio-economic forces link the White and non-White communities of South Africa. Yet the Union's legislative policy preserves a social system that is at variance with its economic policy -- a social system based on race discrimination. It is a system which does not follow the conventional pattern of an expanding twentieth century

industrial society and which goes contrary to all modern economic development.

White South Africans are coming increasingly to appreciate that the Union's legislative policy runs counter to the law of economics; nevertheless, above all considerations stands the desire for the preservation of the White race. This desire was voiced in 1954 when the Minister of Labour, the Honourable B.J. Schoeman, M.P., at the second reading of the Industrial Conciliation Bill, when discussing the allegation that the passing of the Bill would mean the destruction of trade unions, stated in the House of Assembly:

It may be said that this provision is in conflict with all the economic laws. Well, it is against economic laws, but in the same way the colour bar is against economic laws... The question, however, is this: What is our first consideration? Is it to maintain the economic laws or is it to ensure the continued existence of the European race in this country? (220)

We may now revert to our original question — how realistic is the anticipation that the Native will remain in the White areas only as a tool of productivity on a non-permanent residential basis, and severely restricted in his freedom to seek work and to enjoy a normal family life? From the socio-economic standpoint — that is, from the way in which the national economy and productivity may be adversely affected and the social life of the community as a whole be subject to grave repercussions — the answer is that it is completely unrealistic to expect the present state of affairs to continue. It is my own opinion that only adverse results on our national life can emanate from the preservation and further implementation of such legislation as we have studied

in this thesis. I trust I do not underestimate the weight which the values and ideals of a large section of the White population of South Africa invest in such a question. Indeed, these values and these ideals are, to me as a White South African by birth, part and parcel of my social heritage.

I feel that on economic grounds alone we may be forced to reconsider our present legislative measures. I agree with those economists and politicians who have pointed out that the ideal of total apartheid is not compatible with national prosperity, and would indeed, at this stage of the history of our country, be impossible to implement. I am convinced that the future of South Africa is dependent on the ability of all races to live and work together, and that future harmonious race relations upon which the ultimate socio-economic stability of the Union must be based, cannot be realised or maintained if, at the same time, we endeavour to maintain the present historical and cultural restrictions against one section of our population. It seems appropriate here to refer to the Report of the Fagan Commission. In discussing inter-racial relations, the Commission recorded that the situation called for

constant adaptation to changing conditions, constant regulation of contacts and smoothing out of difficulties between the races, so that all may make their contribution and combine their energies for the progress of South Africa. (221)

In conclusion I would suggest that only an educated understanding and a deeper knowledge of the factual implications of the present restrictive legislation will lead to any progress in the field of race relations in South Africa.

It seems to me therefore, that the greatest contribution in the future must come from social research. For while values and attitudes have their weight and whilst many will recognize the socio-economic factors outlined, rational thought, an enlightened public opinion, and a national appreciation of the results of such legislation upon the prosperity of the country as a whole, must still be dependent upon the wide dissemination of scientifically verified fact.

APPENDIX ONE**A NOTE ON METHOD**

Before deciding on the precise field of study a great deal of preliminary research had to be undertaken, involving the discovery and study of relevant reference sources. After a considerable amount of what may be termed background reading, an initial outline of the field to be covered was drawn up. In narrowing this field it was obvious that some specific focus of study would have to be chosen. Further reading and refinement was necessary before the final topic and plan of study was consolidated and the title finally settled. Indeed, choosing the subject of this thesis was in itself a subject of research.

With the precise field settled, detailed study commenced on 26th January, 1959; the preliminary research referred to above was carried on for several months prior to that date.

Despite the fact that I was concerned only with legislation affecting domicile and mobility of the Native, because of the occasional references to Natives that are to be found in a wide variety of legislative measures, I found it necessary to peruse every legislative enactment from 1910-1958. In addition, to clarify the field of study, it was necessary to review certain Acts passed after 1958 as well as some pre-Union Acts and Ordinances. In the bibliography, however, I have included only those Acts which refer to domicile and mobility and such other legislative enactments as are specifically referred to in the text.

For the purpose of acquiring a fuller understanding of and a background knowledge to the relevant Acts, I studied the

debates held in Parliament prior to their final enactment. This did not include the years 1915 to 1924, during which period no records of House of Assembly Debates were kept.

Throughout the period of study, every source or text investigated was entered on a separate index card, and the bibliography was then compiled from these cards. Extensive investigation of cross references was made and material from contemporary literature and special publications which I considered might be useful was collected in the usual way. Notes were made on direct quotations which seemed to be of interest or of possible use. When the first draft was embarked on, I had a complete bibliography up to that date as well as files of relevant material.

Prior to the presentation for examination of the thesis, I had prepared three complete drafts of the entire work, although individual chapters and even whole sections were redrafted more often.

All the work on this thesis has been carried out under the supervision of Mrs. B. Helm, School of Social Science, University of Cape Town.

APPENDIX TWO

NOTES TO THE CHAPTERS

1. Small, A. "General Sociology. An Exposition of the Main Development in Sociological Theory from Spencer to Ratzenhofer". Page 729.
2. Quoted by Richmond, M.E. on opening page of "Social Diagnosis".
3. Gillin, T.L. "Social Pathology". Page 4. Gillin defines social pathology as:

The study of the social patterns and processes involved in man's failure to adjust himself and his institutions to the necessities of existence to the end that he survive and satisfy the felt needs of his nature.

4. MacIver, R.M. "Society". Pages 197-198:

Of all the organizations, large or small, which society unfolds, none transcends the family in the intensity of its sociological significance. It influences the whole life of society in innumerable ways, and its changes, . . ., reverberate through the whole social structure.

As the very first social group with which the new born child comes into contact, the family plays an enormous part in the development of his personality as his attitudes, ideas, habits, and reactions are affected by his membership. Indeed it is within this unit that each human being learns his role in society.

5. MacIver, R.M. "Society". Pages 8-9:

Wherever any group small or large, live together in such a way that they share, not this or that particular interest, but the basic conditions of a common life, we call that group a community. The mark of a community is that one's life may be wholly lived within it, that all one's social relationships may be found within it.

6. In North America domicile may be socially restricted because of such cultural factors as community attitude etc., but legally "all men are born free and equal".

7. Sowden, L. "Union of South Africa". Page 16.
8. Galpin, G.H. "There are no South Africans". Page 42
and Patterson, S. "The Last Trek". Page 3.
9. A sentiment expressed by Adrian van Rheede tot Drakenstein, visiting Commissioner to the Cape in 1685 and recorded in Council Policy Files.
10. "Journal of Jan van Riebeeck". Vol. 2 1656-1658. Page 86.
11. Theal, G.McG. "History and Ethnography of Africa South of Zambesi before 1795". Vol. 2 Page 59.
12. "Journal of Jan van Riebeeck". Vol.2 1656-1658.
Page 315. For copy of original document see Graphical Illustrations, Deed of Slave Transfer Facsimile Sheet.
13. MacMillan, W.M. "Cape Colour Question". Page 12.
14. Cory, G.E. "The Rise of South Africa". Vol. III, Pages 399-401. Cory emphasizes the friendship existing between English and Dutch and their united attitude of disapproval with regard to British protection of coloured races.
15. Patterson, S. "The Last Trek". Page 13 and
Walker, E.A. "The Great Trek". Page 330. Original reference is only available in Transvaal Archives.
16. "Die Dagboek van Anna Steenkamp en Fragmentjies oor die Groot Trek deur 'n paar Saamwerkers". Page 10.
The daughter of Francois Retief (brother of Piet Retief) she left Graaff Reinet with her family on 5th May, 1837.
In her diary she writes:

16. (cont.) de reden waarom wij ons erven en plaatsen verliet, goed en bloet verlaten hebben, zijn de volgende: de eerste de onophoudelijke strooperij en diefstallen der kaffers en de overheerschende trotshijt van hun schoon ons goewerment ons schone belofte deed hebben wij nochtans geen kompasasie voor ons geroofde goederen ontvangen ten tweede de schandelijke en onregvaardige handelwijs van de vrijhijt van onser slaven en nogtans heef de vrijhijt ons so seer niet verdreven als de geleichhijt de gelijkstelling met de Christenen, strijdig met de wetten van God en het natuurlijk onderschijt van afkomst en geloof. Dat het onverdraaglijk was voor elk fatsoenlijk Christen onder sulk een last te buijgen waarom wij dan ons liever verwijderen des te beter ons geloof en leer in suiiverheijt te behouden, ten derden maar het is niet nodig om van deese geschillin iets meer aan te halen bewus zijn dat gij met al deese saaken bekent zijt maar ik wil u liever vertalen wat ons is wedervaren op ons uijttog.
17. De Kiewiet, C.W. "The Anatomy of South African Misery".
Page 9.
18. De Kiewiet, C.W. "A History of South Africa, Social and Economic". Page 144.
19. De Kiewiet, C.W. "The Anatomy of South African Misery".
Page 21.
20. De Kiewiet, C.W. "The Anatomy of South African Misery".
Page 22.
21. The discovery of rich coal deposits at Witbank meant much to the diamond mining industry, as coal had no longer to be imported from England.
22. Although there was a continued need for agricultural labour, the Natives found that cash wages were hard to get on the farms and the terms of employment there were not as attractive as in the towns where not only higher wages but also educational facilities were offered.

22. (cont.) Education was the open sesame to a clearer understanding of the white man's world. It was the compass which guided the Native over the transition from an existence in a uni-racial community to life in a multi-racial society.
23. Hellmann, E. "Problems of Urban Bantu Youth". Page 6.
24. Correspondent "The Role of the Pass Laws" Cape Times 16th October, 1959. (Being a report of a lecture given on 15th October, 1959 by Simons, H.J.)
25. De Kiewiet, C.W. "The Anatomy of South African Misery". Page 37.
26. U.G.28, 1948. Pages 5-19 refer. In paragraph 28 Page 19 the report states:
- From what we have already said it should be clear, firstly, that the idea of total segregation is utterly impracticable; secondly, that the movement from country to town has a background of economic necessity -- that it may, so one hopes, be guided and regulated, and may perhaps also be limited, but that it cannot be stopped or be turned in the opposite direction; and, thirdly, that in our urban areas there are not only Native migrant labourers, but there is also a settled, permanent Native population.
27. U.G. 61/1955. (1) Part 1, Chapter 7. The Population Problem in South Africa. Pages 25-29, paragraphs 1-32. (2) Part 2, Chapter 13. The Population of the Bantu Areas. Pages 53-55, paragraphs 1-8. (3) Part 3, Chapter 25. Development of the Bantu Areas. Pages 101-102, paragraphs 1-12.
28. Ngubane, J.K. "The Hardening Temper of the African". Race Relations Journal Vol. XXIII Nos. 2 and 3 October, 1956.

29. Year Book of United Nations Organization 1947/1948.
Text of the Universal Declaration of Human Rights
Page 575 Article 2.
30. "Poor-White Problem in South Africa. Report of
Carnegie Commission". Vol. I -- Rural Impoverishment
and Rural Exodus. In Chapter 3, "Economic Change and
Rural Migration", the Commission emphasized the growth
of the White population in the urban areas and con-
firmed what Rev. A. Murray had written in an open
letter on "Our Poor Whites":
- As far as the towns are concerned we are
beginning to notice the same process that
is known in Europe: the poor are determinedly
making for the towns and villages.
(Page 56 of report refers)
- This statement was substantiated by the Commission
with a table and graph relating to the growth of the
White urban population from 1890/1891-1931.
31. Ballinger, M. "All Union Politics are Native Affairs,
The Interdependence of European and African", South
African Affairs Pamphlets No. 4 of 1944, Page 2.
32. Hoernlé, R.J.A. "South African Native Policy and the
Liberal Spirit". Page 4.
33. 1858 Grondwet van de Zuid-Afrikaansche Republiek
provided that:

Het volk wil geene gelijkstelling van
gekleurden met blanke ingezetenen toestaan,
noch in Kerk noch in Staat. (Art.9)
Geen gekleurden, noch bastaarden zullen
toegelaten worden in onze vergaderingen. (Art.31)
De leden van den Volksraad worden door de
meerderheid van stemmen door het volk
gekozen. Ieder burger die den ouderdom
van 21 jaren en daar boven bereikt heeft,
zal stemgerechtigd burger zijn, mits lid-
maat der Neduitsch Hervormde Kerk zijnde.

34. Section 1 of the Electoral Law Amendment Act (No.30 of 1958) provides that, "Adult person includes a White person of or over the age of 18 years".
35. House of Assembly Debates. Vol.64. Col.218.
16th August, 1948.
36. Marquard, L. "The Peoples and Policies of South Africa"
Page 108.
37. Hofmeyr, J.H. "South Africa". Page 141.
38. Section 3 Law No.4 of 1885 provides:

De Staatspresident zal gerechtigd zijn in districten door den Volksraad als noodig bepaald, commissarissen over de naturellen aan te stellen om alle zaken in deze wet vermeld en al zoodanige bevelen of opdragten van tijd to tijd door de Regering te geven, ten uitvoer te brengen.
39. Brookes, E. "The History of Native Policy in South Africa from 1830 to the Present Day". Page 22. He quotes from Report of Natal Native Affairs Commission 1852-1853, Page 8. The original report is only available in Transvaal Archives.
40. Roux, E. "Time Longer than Rope". Page 54.
41. Cape Colony Report of the Native Affairs Commission 1910. G26 - 1910. Page 20, para.58.
42. In particular The Native Laws and Customs Commission made a tremendous contribution to this understanding. The Commission, the members of which were Sir J.D.Barry, Mr J.Ayliff, and Mr W.E.Stanford, dealt with a series of questions upon the subjects of criminal and civil law, marriage and inheritance, and land-tenure and self-government in the Native territories. After obtaining

42. (cont.) evidence on these matters from experts, both Whites and Natives, over a period extending from 7th September, 1881 to June, 1882, the Commission in a monumental work summed up and analysed its findings in the Report G 4 of 1883.
43. Hofmeyr, J.H. "South Africa". Page 131.
44. Sowden, L. "Union of South Africa". Page 207.
45. T.P.1 - 1922. Page 47. Para. 267.
46. U.G.54 of 1939. Page 22. Appendix H -- "Native Urban Areas" refers. The Commission reported:
- The obligations thus imposed upon local authorities for the control of the Native urban population and for the improvement of their living conditions, have been variously accepted. In many towns the press and a strong public spirit have combined to bring about the improvements which followed the passing of the Act. In other cases little or nothing was done. Nor indeed, when Native policy itself was still undecided, and it was yet uncertain whether territorial separation was to be the principle in future, could much effort be expected. It was in this twilight of purpose that the administration of Native affairs in the urban areas proceeded for some years.
47. Hertzog, J.B.M. "Native Policy in South Africa". Page 6.
48. Hertzog, J.B.M. "Smithfield Toespraak". Page 10.
49. Correspondent. "New Points in Native Policy, Hertzog on Territorial Segregation". Cape Times, 4th December, 1925. (Being report of Hertzog's speech outlining his Native Policy to the Native Conference in Pretoria on 3rd December, 1925).
50. van den Heever, C.M. "General J.B.M.Hertzog". Page 229.

51. In the Schedule to the Natives Land Act Amendment Bill of 1926 certain Native areas were set aside for specific Native language groups. This was an indication of legislation aimed at perpetuating Native tribal differences.
52. Russell, A.G. "Colour Race and Empire". Page 220.
53. House of Assembly Debates Vol.71 Col.4710. 20th April, 1950.
54. Apartheid, is an Afrikaans term which means "apartness, separation; separate development or segregation".
55. Fagan, H.A. "Our Responsibility". Page 23.
56. Hobart Houghton, D. "Economic Dangers of Separate Bantu Development". Optima. December, 1959. Page 190.
57. House of Assembly Debates Vol.71. Col.4710. 20th April, 1950.
58. House of Assembly Debates Vol.64. Col.219. 16th August, 1948.
59. House of Assembly Debates. Vol.75. Cols. 6820 and 6821. 16th May, 1951.
60. This is an elaboration of the Hertzog policy which did not (except in one instant during the passage of a Bill which did not become an Act -- See Notes to the Chapters No.51) take into consideration differences of tribal customs, language, and tradition.
61. Fagan, H.A. "Our Responsibility". Page 44.
62. House of Assembly Debates. Vol.71. Cols. 4141 and 4142. 12th April, 1950.
In reply to a question by the Leader of the Opposition

62. the Honourable J.G.N.Strauss, whether the Nationalist (cont.) Party was against the idea of total territorial apartheid which was outlined at a Congress of the Dutch Reformed Churches in Bloemfontein and claimed must be carried out in due course the Prime Minister, Dr.D.F. Malan stated:

Well, if one could attain total territorial apartheid, if it were practicable, everybody would admit that it would be an ideal state of affairs. It would be an ideal state, but that is not the policy of our party. It is not the policy of our party, and it is nowhere to be found in our official declarations of policy. On the contrary, when I was asked in this House on previous occasions whether that was what we were aiming at, when we were accused of aiming at total territorial segregation, I clearly stated, and I said it clearly on platforms, that total territorial separation was impracticable under present circumstances in South Africa, where our whole economic structure is to a large extent based on Native labour. It is not practicable and it does not pay any party to endeavour to achieve the impossible. One must found one's policy on what is possible of achievement.

63. Hobart Houghton, D. "Summary of the Findings and Recommendations of the Tomlinson Commission" Report. Page 1.
64. Correspondent. "Apartheidsberig Foutief -- Dr.Verwoerd se Verklaring". Dagbreek en Sondagnuus 28 Augustus 1955 (Being report made by G.C.Coetsee, 28 Height Street, Doornfontein, Johannesburg, of a statement issued by Dr.Verwoerd, as Minister of Native Affairs, in clarification of an incorrect report on a speech made by him during the previous week at Greytown, Natal).
65. House of Assembly Debates. Vol.90. Cols. 186, 187 and 188. 20th January, 1956.

66. House of Assembly Debates. Vol. 71. Cols. 4711 and 4712. 20th April, 1950.
67. Correspondent. "Apartheidsberig Foutief -- Dr. Verwoerd se Verklaring". Dagbreek en Sondagnuus 28 Augustus 1955. (Being report made by G.C. Coetsee, 28 Height Street, Doornfontein, Johannesburg, of a statement issued by Dr. Verwoerd, as Minister of Native Affairs, in clarification of an incorrect report on a speech made by him during the previous week at Greytown, Natal).
68. House of Assembly Debates. Vol. 98. Col. 3805. 15th September, 1958.
69. Fagan, H.A. "Our Responsibility". Page 42.
70. Simons, H.J. "The Law and Its Administration". Handbook on Race Relations in South Africa. Page 41.
71. Ehrlich, E. "Fundamental Principles of the Sociology of Law". Page 390.
72. Timasheff, N.S. "An Introduction to the Sociology of Law". Page 273.
73. Timasheff, N.S. "An Introduction to the Sociology of Law". Page 273.
74. Wille, G. "Principles of South African Law" (2nd Ed. 1945). Chapter 2, Section 2. Pages 6-7.
75. Whitfield, G.M.B. "South African Native Law". Page 1.
76. Sorokin, P.M. "Social Mobility". Page 11.
77. Ehrlich, E. "Fundamental Principles of the Sociology of Law". Introduction. Page xxx.
78. Potter, H. "The Quest of Justice". Page 7.

79. Ehrlich, E. "Fundamental Principles of the Sociology of Law". Page 372.
80. Brookes, E. "History of Native Policy in South Africa". Page 492.
81. Ehrlich, E. "Fundamental Principles of the Sociology of Law". Page 374.
82. Ehrlich, E. "Fundamental Principles of the Sociology of Law". Page 374.
83. Russell, A.G. "Colour Race and Empire". Pages 12-13.
84. MacCrone, I.D. "Race Attitudes in South Africa". Page 290.
85. Theal, G. McCall. "History of South Africa Since September, 1795". Vol.1, Page 450.
86. Section 8 of Kleurlingen in Steden en Dorpen Wet No.8, 1893 lays down:
- De uitdrukking "kleurling" of "kleurlingen" in deze wet voorkomende tenzij de lezing of tekst zulks duidelijk verbiedt of verhindert, moet worden uitgelegd en genomen toepasselijk te zijn op, en in te sluiten den man of de mannen, zoowel als de vrouw of vrouwen, boven den ouderdom of vermoedelijken ouderdom van 16 jaren, van alle in boorlingen van Zuid Afrika, en ook van alle gekleurde personen en allen die volgens de wet of gewoonte kleurlingen of gekleurde personen genoemd of als zulks behandeld worden, van welk ras of van welke nasionaliteit zij ook zijn mogen.
87. G.80, 1904. Preliminary Report of the Director of the Census with detailed returns of Population and Buildings. Page (X).
88. G.80, 1904. Page (X).
89. Births, Marriages and Deaths Registration Act (No.17 of 1923). Section 35.

90. Natives Land Act (No.27 of 1913). Section 10.
91. Receiver is a person authorized to collect any tax imposed by the Taxation Acts of 1925 and 1931.
92. In terms of the Native Administration Amendment Act (No.9 of 1939) Section 3, these areas proclaimed under Section 6(1) Native Administration Act (No.38 of 1927), refer to Scheduled Native Areas, (Land Act No.27 of 1913 refers) or Released Areas as defined in the Native Trust and Land Act (No.18 of 1936), or to any land which is owned by the South African Native Trust.
93. In explanation i.e. any marriage being a union in accordance with any law in force in any Province, governing marriages (but excluding any union contracted under Native law and custom) contracted prior to the commencement of this Act, that is 10th July, 1936.
94. Representation of Natives Act (No.12 of 1936).
Section 1.
95. Natives (Urban Areas) Consolidation Act (No.25 of 1945)
Section 1.
96. Group Areas Act (No.41 of 1950) Section 2.
97. Population Registration Act (No.30 of 1950).
Section 1 (x).
98. MacIver, R.M. "Society". Page 8.
99. Eubank, E.E. "Concepts of Sociology". Page 96.
100. MacIver, R.M. "Society". Page 13. MacIver defines
Group as:

any collection of social beings who enter into distinctive social relationships with one another.

101. MacCrone, I.D. "Race Attitudes in South Africa".
Page 290.
102. St.Luke. Chapter 2, verses 1 and 3. The term "taxed" means "inrolled" (i.e. enrolled). In an explanatory note to St.Luke, Chapter 2, this meaning is given.
103. "Verslag van die Kommissie vir die sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika." Vol.3, Section 1. Chapter 7, Page 7.
(i) The figure 8,535 excludes approximately 650,000 foreign born Natives of which approximately two-thirds are temporary migrant labourers.
104. "Verslag van die Kommissie vir die sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika". Vol.3, Section 1. Chapter 7. Page 4.
105. Official Year Book of the Union of South Africa. No.29
1956-1957.
106. Page 188 Optima December, 1959.
107. U.G. 61/1955. Page 29.
108. Official Year Book of the Union of South Africa. No.29,
1956-1957.
109. UNO Statistical Year Book 1952.
110. Demographic Year Book 1958, Page 104. UNO Statistical
Year Book 1959, Page 40.
111. Hobart Houghton, D. "Economic Dangers of Separate
Bantu Development". Optima, December 1959. Page 196.
Map A used as illustration in this article.
112. U.G. 61/1955. Map 29.

113. U.G. 61/1955. Map 3.
114. U.G. 61/1955. Map 5.
115. "Verslag van die Kommissie vir die sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika". Vol.3, Section 1. Chapter 7. Page 34(a)
(i) Includes train travellers. "Ieder syfer is onafhanklik tot die naaste 1000 afgerond. Alle syfers aan hersiening onderhewig".
116. "Verslag van die Kommissie vir die sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika". Vol.3, Section 1. Chapter 7. Page 34(a).
117. Information for Table 9 calculated from statistics obtained from the following sources:
1911 Census Report. Figures calculated from Table XVII. Return of Population Urban Centres, Pages 86-93.
U.G.40 of 1924. Distribution of Population by Race, Sex etc., for year 1921. Table 1.
U.G.50 of 1936. Table 3.
Union of South Africa Bureau of Census and Statistics. Special Report No.200. Page 3. Table 1. 1946 and 1951
118. Hobart Houghton, D. "Economic Dangers of Separate Bantu Development". Optima, December 1959. Page 196. Map used as illustration in this article.
119. "Verslag van die Kommissie vir die sosio-ekonomiese ontwikkeling van die Bantoe-gebiede binne die Unie van Suid Afrika". Vol.3, Section 1. Chapter 7. Page 42.
120. U.G. 61/1955. Page 29.

121. U.G. 61/1955. Page 42.
122. House of Assembly Debates. Vol.26, Col.2747, 30th April, 1936 and Roux, E. "Land and Agriculture in the Native Reserves". Handbook on Race Relations in South Africa. Page 172.
123. "Verslag van die Kommissie vir die sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika". Vol.4, Section 2. Chapter 11. Page 43.
124. "Verslag van die Kommissie vir die sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika". Vol.4, Section 2. Chapter 11. Page 42.
125. U.G. 61/1955. Page 46.
126. U.G. 61/1955. Map 6.
127. U.G.28 of 1948, Page 8, Para.9. and Fagan, H.A. "Our Responsibility". Page 51. It was only at the 1936 census that for the first time an attempt was made to obtain particulars with regard to a division of the Native population between different kinds of areas and not as previously just on the basis of a straightforward geographical division.
128. U.G. 61/1955. Map 63.
129. "Verslag van die Kommissie vir die sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika". Vol.3, Section 1. Chapter 7. Page 53.
(1) No separate figures available for White farms and other rural areas.

130. Long, H.H. and Johnson, C.S. "People versus Property. Race Restrictive Covenants in Housing". Quoted from a statement made by Justice Edgerton when handling a Supreme Court Case in U.S.A. which involved reference to the Constitution and Civil Rights.
131. Calderwood, D.M. "Native Housing in South Africa". Page 201. He quotes Winston Churchill as having said this on 9th November, 1953.
132. Immigrants' Regulation Act (No.22 of 1913). Section : Interpretation of Terms.
133. Wet 16, 1894. Art.1.
134. In terms of Article 13 of Pretoria Convention 1881:
 Leave shall be given to Natives to obtain ground, but the passing of transfer of such ground shall in every case be made and registered in the name of the Commission for Kafir Locations hereinafter, provided for, for the benefit of such Natives.
135. Transvaal Law Reports. 1905. Pages 130-140.
 In Supreme Court Case Tsewu vs. Registrar of Deeds held on 4th April, 1905, it was upheld that a Native of South Africa was entitled to claim transfer in the Deeds Office of any land of which he was the owner; and the Registrar of Deeds was not justified in refusing to pass transfer of such land to him. In this Case the Native had purchased land in the township of Klip-riversoog, near Johannesburg and had applied to the Registrar of Deeds for transfer of the land to be passed to him. The Registrar had refused because the applicant was a Native.

136. South African Native Affairs Commission Report, (1903-1905) Cd. 2399. Page 28, para.207.
137. House of Assembly Debates. Col.2270, 9th May,1913.
Early House of Assembly Debates were not recorded verbatim, nor were the Debates catalogued in volumes. Volume 1 was issued for the period 25th January, 1924 to 10th April, 1924.
138. House of Assembly Debates. Col.2273, 9th May, 1913.
139. South African Law Reports. Decisions of the Supreme Court of South African Appellate Division April-June, 1917. Page 212. C.J.Innes in stating the facts of the Case Thompson and Stillwell versus Khama held on 5th May, 1917 said the Act (i.e. 1913 Land Act) contained a clause of exemption from its restrictive provisions, applicable only to the Cape Province, and expressed in terms lamentably obscure. It was evidently intended to prevent any interference with the acquisition of franchise qualifications, in so far as they were connected with rights to land.
140. House of Assembly Debates. Vol.26. Col.2746.
30th April, 1936.
141. Native Trust and Land Act (No.18 of 1936) Section 6(1) (a) and (b).
142. Jones, Edith B. "South African Native Land Policy". Page 196 Bantu Studies Vol.XIV 1940. Pages 175-197. The Report of the Native Farm Labour Committee (1937-1939) was never published and reference to this Report is only available through secondary sources.

143. U.G.48 of 1937. Page 14, para.39.
144. Native Locations Amendment Act No.8 of 1878 Section 2.
145. Rogers, H. "Native Administration in the Union of South Africa". Page 155.
146. Brookes, E. "History of Native Policy". Pages 334-335.
147. MacMillan, W. "Africa Emergent". Page 314.
148. House of Assembly Debates, Vol.18. Col.641, 4th February, 1932.
149. Rogers, H. "Native Administration in the Union of South Africa". Page 141.
150. Native Trust and Land Act (No.18 of 1936) Section 49. Section 43, referred to in the definition of a labour tenant, deals with presumption as to occupation of land by Natives.
151. Native Trust and Land Act (No.18 of 1936) Section 26 (1) and (2).
152. Native Trust and Land Act (No.18 of 1936) Section 38.
153. House of Assembly Debates. Vol.84, Col.908, 22nd February, 1954.
154. House of Assembly Debates. Vol.84, Cols.911 and 912, 22nd February, 1954.
155. UNO, "Third Report of the United Nations Commission on the Racial Situation in the Union of South Africa. 1955". Page 40.
156. U.G.7 of 1919 "Natives in Urban Areas". Page 14.
157. U.G.34 of 1914. Para.235.

158. For period 1st August, 1918 to 30th November, 1918 the death rate among non-Whites from influenza was 27.19 per 1000 of the population. Page 18 U.G. 34 of 1922 refers.
159. U.G. 34 of 1922. Page 13.
160. U.G. 34 of 1922. Page 19.
161. T.P.1 - 1922. Page 47, para.267.
162. Adapted from Natives Urban Areas Act (No.21 of 1923) Section 5.
163. Until 1937 only in Bloemfontein had Natives, with the permission of the local authority been permitted to build their own houses in Native locations or villages in urban areas.
164. House of Assembly Debates. Vol.14 Col.210. 29th January, 1930.
165. Native Laws Amendment Act (No.46 of 1937) Section 4 bis. In terms of para.(f) of sub-section 1 of Section 12 of Natives Urban Areas Act (No.21 of 1923) every male Native following the occupation of "togt" or casual labourer in a proclaimed area was to be licensed.
166. House of Assembly Debates. Vol.51 Col.2697. 2nd March, 1945.
167. House of Assembly Debates. Vol.73 Cols.7433-7434. 29th May, 1950.
168. House of Assembly Debates. Vol.84 Cols.2540 and 2541. 23rd March, 1954.
169. Public Health Act (No.36 of 1919) Section 159.

170. On 1st August, 1944 the Central Housing Board was replaced by the National Housing and Planning Commission.
171. U.G.29 of 1939. Page 5, paragraphs 13 and 14.
172. U.G.29 of 1939. Page 5, para.15:
 By sub-economic housing is meant the provision of houses for letting purposes at rentals which are insufficient to defray the full cost of interest and redemption of the loan as well as the cost of maintenance of the houses.
173. Report of the Inter-Departmental Committee of the Social, Health, and Economic Conditions of Urban Natives, 1942. Often referred to as the Smit Report because Mr D. Smit, who at that time was Secretary for Native Affairs, was Chairman of this Committee.
 Page 13. Paragraphs 155, 157 and 158.
174. House of Assembly Debates. Vol.87, Cols.519 and 520.
 3rd February, 1955.
175. House of Assembly Debates. Vol.87, Col.519. 3rd February, 1955 refers.
176. Natives (Urban Areas) Consolidation Act (No.25 of 1945) Section 1.
177. Natives Urban Areas Amendment Act (No.16 of 1955) Section 1.
178. Hofmeyr, J.H. "South Africa". Pages 171-172.
179. De Kiewiet, C.W. "History of South Africa, Social and Economic". Page 238.
180. Year Book of UNO 1948/1949. Text of the Universal Declaration of Human Rights. Pages 535-536
 Article 13 (1).

181. Year Book of UNO 1948/1949. Text of the Universal Declaration of Human Rights. Pages 535-536. Article 13 (2).
182. Sorokin, P. "Social Mobility". Page 393.
183. House of Assembly Debates. Vol.80. Col.9161
23rd June, 1952.
184. U.G.41 of 1922. Page 3. This explanatory statement was made by Lord Milner (High Commissioner) to the British Government, following a request made to that Government by the Aborigines Protection Society in England for the emancipation of the Transvaal Native population from the Pass Laws, which were in force under the South African Republican Government and remained so during the time of British administration.
185. Report of South African Native Affairs Commission (1903-1905). Cd. 2399. Pages 36-37. Para.264.
186. U.G.39 of 1913. Page 34. Paragraphs 178 and 179.
187. House of Assembly Debates 1914. Col.279. 12th February, 1914. Reference made to the appointment of the Select Committee.
188. Natives Urban Areas Act (No.21 of 1923) Section 12, sub-section 1.
189. Adapted from Natives Urban Areas Act (No.21 of 1923) Section 12, sub-section 2.
190. Proclamation 150 of 1934. Government Gazette July-September 1934. Pages 383-387.
191. Natives Urban Areas Act (No.21 of 1923) Section 12, sub-section 2 refers.

192. U.G.22 of 1932. Page 106, para.728.
193. U.G.22 of 1932. Page 108, para.739.
194. U.G.22 of 1932. Page 108, para.738.
195. U.G.50 of 1937. Para.303.
196. Inter-Departmental Committee on Social Health and Economic Conditions of Urban Natives 1942. Page 24, para.306.
197. Senate Debates. Col.1584. 26th March, 1942.
198. Government Gazette October-December, 1943. 15th October 1943. Page 2.
199. U.G.28 of 1948. Terms of Reference.Introductory. Page 1, para.1.
200. U.G.28 of 1948. Page 26, para.40.
201. Native Laws Amendment Act (No.54 of 1952). Section 27, which is inserted for Section 10 of the Natives (Urban Areas) Consolidation Act which stated:

A native may not remain for more than 72 hours in an urban area unless:

- (a) He has since birth lived continuously in such area;
 - (b) He has worked continuously in that area for one employer for not less than 10 years; He has lived in that area lawfully for not less than 15 years and is not employed outside that area. And has not during either of these periods been sentenced to a fine exceeding £50 or to imprisonment for a period exceeding 6 months;
 - (c) Such native is the wife, unmarried daughter or son under age when he must pay tax of any native mentioned in pps. (a) or (b) and lives with that Native;
 - (d) He is a work seeker and has a permit from the labour bureau to take up employment in that area -- or the local authority has given that native permission to remain there . . .
- The permission required under (d) is not refused in the case where a native re-enters an area,

201. (cont.) after an absence of not more than 12 months, to take up work with the employer with whom he was previously employed and in the class of work he was doing before leaving the area unless that native has been under some special provision of this Act or any other law forbidden to enter the area.
202. Native Laws Amendment Act (No.54 of 1952) Section 27 sub-section 2 (a) and (b) which is inserted for Section 10 of Natives (Urban Areas) Consolidation Act (No.25 of 1945).
203. House of Assembly Debates. Vol.80. Cols.9162 and 9163. 23rd June, 1952.
204. House of Assembly Debates. Vol.80. Col.9165. 23rd June, 1952.
205. Race Relations Journal XXIII No.1. 1956.
206. Natives (Prohibition of Interdicts) Act (No.64 of 1956) Section 2.
207. House of Assembly Debates. Vol.94. Col.3220. 21st March, 1957.
208. South African Law Reports 1955 (2). April.
209. De Kiewiet, G.W. "History of South Africa, Social and Economic". Page 238.
210. Patterson, S. "Colour and Culture in South Africa". Page 3. Being quotation made by Marcus Aurelius.
211. Ballinger, M. "All Union Politics are Native Affairs. The Interdependence of European and African". South African Affairs Pamphlets No.4, 1944. Page 2.
212. Pollak, H.P. "African Affairs" National Council of Women News Vol.26. July, 1960, No.1. Pages 5-11.

213. Report of the Institute of Family and Community Health for the year ending June 30th, 1950. "The Health of the Worker in Industry". Page 9.
214. Consideration of the inadequacy of Native wages is obviously relevant here but is beyond the scope of the thesis.
215. In the 1950 Report of the Institute of Family and Community Health, the Medical Officer-in-charge emphasized the point that absenteeism is related to the distance of the worker's home from his place of work. Page 9.
216. Murphy, C.G. "Community Organization Practice". Page 190.
217. Sorokin, P. "Social Mobility". Page 13.
218. Brown, I. "Race Relations in a Democracy". Page 9.
219. Editorial. "Pensions and the Bantu". Cape Argus 20th September, 1960. (Being leading article).
220. House of Assembly Debates. Vol.86. Col.5854. 31st May, 1954.
221. U.G.28 of 1948. Para.31.

APPENDIX THREE**BIBLIOGRAPHY**

GENERAL BOOK LIST

- ABERCROMBIE, J.P. "Africa's Peril. The Colour Problem". Simpkin Marshall, Ltd., London, 1937.
- AGAR-HAMILTON, J.A.I. "South Africa". Arrowsmith, London. 1934.
- AGAR-HAMILTON, J.A.I. "The Native Policy of the Voortrekkers. An Essay. In the History of the Interior of South Africa 1836-1858". Maskew Miller, Cape Town. 1928.
- ALLEN, C.K. "Law and Orders. An Inquiry into the Nature and Scope of Delegated Legislation and Executive Powers in England". Stevens and Sons Ltd., London. 1947.
- ALLISON, J.S. "Urban Native Legislation". Race Relations. Vol.7, No.4. 1940.
- ANONYMOUS "The Story of South Africa". Series of Articles appearing in "The Star" from 5th August - 14th October, 1957. Johannesburg, 1957.
- BALLINGER, M. "All Union Politics are Native Affairs. The Inter-dependence of European and African". South African Affairs Pamphlets No.4. 1944. Society of the Friends of Africa, Johannesburg, 1944.
- BARNES, J.A. "Race Relations in the Development of Southern Africa". Race Relations in World Perspective University of Hawaii Press, Honolulu 1955.
- BARNES, L. "Caliban in Africa. An Impression of Colour-Madness". Gollancz, London, 1930.
- BARTLETT, V. "Struggle for Africa". Muller, London, 1953.
- BERRY, B. "Race Relations. The Interaction of Ethnic and Racial Groups". Houghton Mifflin, Boston, New York, and Chicago. 1951.
- BERRY, B. "The Concept of Race in Sociology Textbooks". Social Forces Vol.18. October 1939 - May 1940. Nos. 1-4.
- BLUM, P. "Union Native Policy as reflected in Government Legislation and Publications, 1910-1948: A Bibliography". University, School of Librarianship, Cape Town, 1950.
- BLUMER, H.G. "Reflections on Theory of Race Relations" Race Relations in World Perspective. University of Hawaii Press, Honolulu, 1955.
- BROOKES, E.H. "Government and Administration". Handbook on Race Relations in South Africa. Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York. 1949.

- BROOKES, E.H. "The Colour Problems of South Africa; Being the Phelps Stokes lectures, 1933, delivered at the University of Cape Town". Lovedale Press, Lovedale, C.P. 1934.
- BROOKES, E.H. "The History of Native Policy in South Africa from 1830 to the Present Day". Nasionale Pers Bpk., Cape Town, 1924.
- BROOKES, E.H. "The South African Race Problem in the Light of General Hertzog's Proposed Legislation". International Review of Missions. Vol.16. April, 1927.
- BROWN, I.C. "Race Relations in a Democracy". Harper, New York. 1949.
- BROWN, W.O. "White Dominance in South Africa: A Study in Social Control". Social Forces Vol.18. October 1939 - May 1940. Nos. 1-4.
- BUNCHE, J. "A World View of Race". Associates in Negro Folk Education, Washington, 1936.
- BURGER, J. "The Black Man's Burden". Victor Gollancz, London. 1943.
- BURTON, J.T. "Wie is die Afrikaners?" Oorgesit in Afrikaans deur L.D.Wentzel. Britse-Israel Wêreld-Federasie, Kaapstad, 1927.
- CALDERWOOD, D.M. "Native Housing in South Africa". University of Witwatersrand, Johannesburg, 1953.
- CALDERWOOD, D.M. "Native Housing Policies and Problems". Municipal Affairs, February-April 1959, Johannesburg.
- CALLAWAY, G. "The Race Problem in South Africa and the Average Man". S.A.I.R.R., Johannesburg, 1933.
- CALPIN, G.H. "There are no South Africans". Thomas Nelson and Sons Ltd., London, Edinburgh, Paris, Melbourne, Toronto, and New York. 1941.
- CALVERTON, V.F. (Editor) "The Making of Society. An Outline of Sociology". Random House Incorporated, New York. 1937.
- CAMPBELL, A. "Smuts and Swastika". Gollancz, London, 1943.
- CARR, W.J.P. "Raising the Standards of South Africa's Urban Natives", Optima December, 1959.
- "CLAYHANGER", (pseudonym) "A Roof Over Us. Problem of Housing a Nation". South African Affairs Pamphlets No.10, 1944, Society of the Friends of Africa, Johannesburg, 1944.

CLINTON, D.K. "The South African Melting Pot. A Vindication of Missionary Policy. 1799-1836". Longmans, Green & Co. London, New York, Toronto. 1937.

COERTZE, P.J. "Agtergrond van die Wet op Groepsgebiede". Groepsgebiede en Woonbuurtskeiding. Referate Gelewer op die Derde Jaarvergadering van die Suid Afrikaanse Buro vir Rasse-Aangeleenthede. Pro Ecclesia, Stellenbosch, 1952.

COLONY OF THE CAPE OF GOOD HOPE. "Proclamations issued during the Government of Sir James Craig 1795-1797".

"Proclamatien, Advertentien, en andere officiele Berigten gepubliceerd door Het Gouvernement van de Kaap de Goede Hoop van 10den January 1806, tot den 2den Mei 1825". Kaap de Goede Hoop 1827.

"Statutes of the Cape of Good Hope".

Vol. II 1872-1886

Vol. III 1887-1895

Vol. IV 1896-1900

"Index to the Annexures and Printed Papers of the House of Assembly and also to the Principal resolutions adopted, and to the Bills and Printed Select Committee, and Commission Reports 1854 to 1897". Cape Town 1899.

"Native Affairs Reports". 1883.

"House of Assembly Annexures 1-55, 1883". Ordinary session.

"Minutes and Proceedings of Native Laws and Customs Commission Cape 1883". G.4 of 1883 (original) House of Assembly Annexures, Special Session.

"Statutes, Proclamations, and Government in force in the Native Territories of the Colony of the Cape of Good Hope on 30th June, 1907". Cape Town, 1907.

"Reports (Interim and Final) of the Native Affairs Commission". 1910 (G.26 - 1910).

COLONY OF NATAL. "Acts of the Parliament of the Colony of Natal". 1895-1899, 1905-1910.

Report of the Native Affairs Commission 1906-1907. (Cd. 3889).

CORRESPONDENT,

"New Points in Native Policy, Hertzog on Territorial Segregation". Cape Times, 4th December, 1925.

"Apartheidsberig Foutief -- Dr. Verwoerd se Verklaring". Dagbreek en Sondagnuus, 28 Augustus 1955.

CORRESPONDENT,

- (contd.) "The Role of the Pass Laws". Cape Times, 16th October, 1959.
- "Where do Coloureds come from?" Drum, August 1959.
- CORY, G. E. "The Rise of South Africa. A History of the Origin of South African Colonisation and of its Development Towards the East from the Earliest Times to 1857". Vol.III. Longmans Green and Co., London, 1919.
- COTTON, W. A. "Racial Segregation in South Africa. An Appeal". Sheldon Press, London, 1936.
- COWEN, D. V. "Constitution-Making for a Democracy. An Alternative to Apartheid". Supplement to Optima, March 1960. Vol.10, No.1.
- CRAFFORD, F. S. "Jan Smuts. A Biography". Allen and Unwin, London, 1945.
- CRUSE, H. P. "Die Opheffing van die Kleurling-Bevolking. Deel I, Aanvangsjare 1652-1795". Christenstudentevereniging van Suid-Afrika, Stellenbosch, 1947.
- CURREY, R. F. and HAARHOFF, T. J. "South African Nationality: Its Meaning, Possibilities and Limitations". Coming of Age. Studies in South African Citizenship and Politics. Maskew Miller, Cape Town, 1930.
- DAVIDSON, B. "Report on Southern Africa". Jonathan Cape, London, 1952.
- DAVIS, A. "The Native Problem in South Africa". Chapman and Hall, London, 1903.
- DAVIS, F. "The Atlantic System. The Story of Anglo-American Control of the Seas. Appendix - The Atlantic Declaration". Reynal and Hitchcock, New York, 1941.
- DE BEER, J. L. "The Role of the Native in Secondary Industry". Die Naturel in die Suid-Afrikaanse Nywerheidslewe. Referate gelewer op die tweede Jaarvergadering van Suid-Afrikaanse Buro vir Rasse-Aangeleenthede. 1951. Pro Ecclesia, Stellenbosch. 1951.
- DE KIEWIET, C. W. "A History of South Africa; Social and Economic". Oxford University Press, 1941.
- DE KIEWIET, C. W. "The Anatomy of South African Misery". Oxford University Press, London, 1956.
- DE VOS, H. G. F. "Opening Address. Group Areas and Residential Separation". Papers read at Third Annual Conference of the South African Bureau of Racial Affairs 1952. Pro Ecclesia, Stellenbosch, 1952.

- DU TOIT, S.J. "African Farm Labour". Race Relations Journal Vol.XXVI No.2 April-June 1959.
- DVORIN, E.P. "Racial Separation in South Africa. An Analysis of Apartheid Theory". University of Chicago Press, Chicago, 1952.
- EDITORIAL, "Pensions and the Bantu", Cape Argus, 20th September, 1960.
- EHRlich, E. "Fundamental Principles of the Sociology of Law". Harvard University Press, Cambridge, Massachusetts. 1936.
- EPSTEIN, A.L. "Politics in an Urban African Community". Manchester University Press, for the Rhodes-Livingstone Institute, Northern Rhodesia, 1958.
- EUBANK, E.E. "The Concepts of Sociology. A Treatise Presenting a Suggested Organization of Sociological Theory in terms of its Major Concepts". D.C.Heath and Co., London, 1932.
- EVANS, I.L. "Native Policy in Southern Africa. An Outline". Cambridge University Press, 1934.
- EVANS, M.S. "Black and White in South East Africa. A Study in Sociology. With a Preface by Sir Matthew Nathan". 2nd Edition. Longmans, Green, London 1916.
- FAGAN, H.A. "Our Responsibility. A Discussion of South Africa's Racial Problems". Universiteits-Uitgewers en -Boekhandelaars (Edms) Bpk., Stellenbosch, 1959.
- FAIRBRIDGE, D. "A History of South Africa". Oxford University Press, London 1918.
- FARIS, E. "Sociology and Human Welfare". Social Forces, Vol.18. October 1939-May 1940. Nos.1-4.
- FRANKEL, S.H. "Our Changing World View". Lecture IX of Series Africa in the Re-Making. University of Witwatersrand Press, Johannesburg, 1939.
- FRANKEL, S.H. and BROOKES, E. "Problems of Economic Inequality. The Poor White and the Native". Coming of Age. Studies in South African Citizenship and Politics. Maskew Miller, Cape Town, 1930.
- FRANKEL, S.H. "Some Reflections on Civilization in Africa". S.A.I.R.R., Hoernle Memorial Lectures, 1952.
- GIBBS, P. "Ways of Escape". William Heinemann Ltd., London. 1933.
- GILLIN, J.L. "Social Pathology". D.Appleton-Century Coy. Incorporated, New York, London, 1946.

- GROVES, C.P. "The Impact of Christianity upon African Life".
Optima June 1960. Vol.10 No.2
- GUENALT, P.H. and RANDALL, R.J. "Some Financial Aspects of Urban Native Segregation in South Africa". Race Relations Vol.7 No.4, 1940.
- GUENALT, P.H. and RANDALL, R.J. "Urban Native Housing in South Africa". Race Relations Vol.7 No.4, 1940.
- HAARHOFF, T.J. and CURREY, R.F. "Education and Research" Coming of Age; Studies in South African Citizenship and Politics. Maskew Miller, Cape Town, 1930.
- HAILLEY, Malcom (1st Baron) "An African Survey. A Study of Problems Arising in Africa South of the Sahara". Oxford University Press, 1938.
- HANSARD See UNION OF SOUTH AFRICA. (HOUSE OF ASSEMBLY DEBATES).
- HARDING, W. "The Cape of Good Hope Government Proclamations from 1806 to 1825, As Now in Force and Unrepealed; and, The Ordinances Passed in Council from 1825 to 1838". Vol.1. Cape Town 1838.
- HAVEMANN, E. A. E. Planning for Residential Segregation. Group Areas and Residential Separation. Papers read at the Third Annual Conference of The South African Bureau of Racial Affairs 1952. Pro Ecclesia, Stellenbosch, 1952.
- HELLMANN, E. (Editor) Assisted by ABRAHAMS, L. "Handbook on Race Relations in South Africa". Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York, 1949.
- HELLMANN, E. "In Defence of a Shared Society". S.A.I.R.R. Johannesburg, 1956.
- HELLMANN, E. "Problems of Urban Bantu Youth. Report of an Enquiry into the causes of early school-leaving and occupational opportunities amongst Bantu Youth in Johannesburg". Monograph Series No.3 S.A.I.R.R., Johannesburg, 1940.
- HELLMANN, E. "Racial Laws versus Economic and Social Forces. A Review of a Quarter-Century of the Union's Racial Policies: 1930-1955". S.A.I.R.R., Johannesburg, 1955.
- HELLMANN, E. "Urban Areas". Handbook on Race Relations in South Africa. Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York. 1949.
- HERTZOG, J.B.M. "Native Policy in South Africa". Address by General the Honourable J.B.M.Hertzog, M.P., Prime Minister and Minister of External Affairs of the Union of South Africa, given on 31st October, 1930. London 1930.

- HERTZOG, J.B.M. "Die Smithfield Toespraak". Die Segregasie Vraagstuk Oplossing van Generaal Hertzog. Federale Raad van die Nasionale Party in Suid Afrika, 1926.
- HERTZOG, J.B.M. "Memoranda wat saam met die vier Wetsontwerpe op die Tafel van die Huis gele is". Die Segregasie Vraagstuk Oplossing van Generaal Hertzog. Federale Raad van die Nasionale Party in Suid Afrika, 1926.
- HERTZOG, J.B.M. "Toespraak op Malmesbury, Mei 1926". Die Segregasie Vraagstuk Oplossing van Generaal Hertzog. Federale Raad van die Nasionale Party in Suid Afrika, 1926.
- HIEMSTRA, V.G. "An Analysis of the Group Areas Act". Group Areas and Residential Separation. Papers Read at the Third Annual Conference of the South African Bureau of Racial Affairs. 1952. Pro Ecclesia, Stellenbosch, 1952.
- HOBART HOUGHTON, D. "A Summary of the Findings and Recommendations in the Tomlinson Commission Report". S.A.I.R.R. Johannesburg, 1956.
- HOBART HOUGHTON, D. "Economic Dangers of Separate Bantu Development", Optima Vol.9 No.4. December, 1959.
- HOCART, A.M. "The Progress of Man. A Short Survey of his Evolution, his Customs and his Works". Methuen and Co. Ltd., London, 1933.
- HOERNLE, R.F.A. "Race and Reason. Being mainly a Selection of Contributions to the Race Problem in South Africa". Witwatersrand University Press, Johannesburg, 1945.
- HOERNLE, R.F.A. "South African Native Policy and the Liberal Spirit. Being the Phelps-Stokes Lecture delivered before the University of Cape Town, May 1939". Witwatersrand University Press, Johannesburg, 1945.
- HOFMEYR, J.H. "Introduction", Coming of Age, Studies in South African Citizenship and Politics, Maskew Miller, Cape Town, 1930.
- HOFMEYR, J.H. "South Africa". Ernest Benn Ltd., London, 1931.
- HOFMEYR, J.H. "The Open Horizon; Speeches and Addresses delivered by Jan H. Hofmeyr, Administrator of the Transvaal Province 1924-1929". Central News Agency, Johannesburg, 1929.
- HOLLAND, E.M. "An Experiment in Slum Clearance". Race Relations Vol.7 No.4. 1940.
- HORMANN, B.L. "Rigidity and Fluidity in Race Relations" Race Relations in World Perspective. University of Hawaii Press, Honolulu, 1955.
- HORRELL, M. "An Outline of the Systems of Government and the Political Status of Non-European Peoples in Africa South of the Sahara". S.A.I.R.R. Johannesburg, 1953.

- HORRELL, M. "Non-European Policies in the Union and the Measure of their Success. A Survey of the Conflict between Economic Trends and Ideological Planning". S.A.I.R.R., Johannesburg, 1954.
- HORRELL, M. "The Group Areas Act. Its Effects on Human Beings". S.A.I.R.R., Johannesburg, 1956.
- INTERNATIONAL INSTITUTE OF AFRICAN LANGUAGES AND CULTURES.
 "Methods of Study of Culture Contact in Africa"
Memorandum XV Reprinted from "Africa"
 Vols. VII, VIII and IX. Oxford University Press, 1938.
- JONES, E.B. "South African Native Land Policy". Bantu Studies Vol.14, 1940.
- JOSHI, P.S. "The Tyranny of Colour. A Study of the Indian Problem in South Africa", E.P. and Commercial Printing Co., Durban, 1942.
- JUNOD, H.A. "The Life of a South African Tribe. The Social Life". Vol.1. Switzerland, 1912.
- KAHN, E. "The Pass Laws". Handbook on Race Relations in South Africa, Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York. 1949.
- KEET, B.B. "Suid Afrika. Waarheen? 'n Bydrae tot die bespreking van ons Rasseprobleem". Die Universiteits-Uitgewers en -Boekhandelaars (Edms) Bpk., Stellenbosch, 1955.
- KENTRIDGE, S.W. "The Bill and the Right of Association". The Native Laws Amendment Bill. Its Effect on Religious and Other Freedoms. S.A.I.R.R. Johannesburg, 1957.
- KEPPEL-JONES, A. "Friends or Foes? A Point of View and a Programme for Racial Harmony in South Africa". Shuter and Shooter, Pietermaritzburg, 1950.
- KEPPEL-JONES, A. "Land and Agriculture Outside the Reserves". Handbook on Race Relations in South Africa, Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York. 1949.
- KIRK, J. "The Economic Aspects of Native Segregation in South Africa". P.S.King and Son Ltd., London, 1929.
- KIRKWOOD, K. "The Group Areas Act". S.A.I.R.R., Johannesburg, (1952 ?)
- LA FARGE, S.J. "The Race Question and the Negro. A Study of the Catholic Doctrine on Inter-racial Justice". Longmans, Green and Co., New York, Toronto, 1945.

- LIBRARY OF PARLIAMENT. "European and Coloured Races. Guide to Publications in the Library of Parliament of the Union of South Africa at Cape Town, dealing with the Relations between Europeans and Coloured and Backward races". Cape Town, 1927.
- LIND, A.M. (Editor) "Race Relations in World Perspective. Papers read at the Conference on Race Relations in World Perspective. Honolulu 1954". University of Hawaii Press, Honolulu, 1955.
- LONG, H.H. and JOHNSON, C.S. "People versus Property. Race Restrictive Covenants in Housing". Fisk University Press, Nashville, Tennessee, 1947.
- MacCRONE, I.D. "Human Relations in a Multi-Racial Society". Race Relations Journal Vol. XXV, Nos. 1 and 2 January-June, 1958. S.A.I.R.R.
- MacCRONE, I.D. "Race Attitudes in South Africa. Historical, Experimental and Psychological Studies". Oxford University Press, London, New York, Toronto, 1937.
- MacIVER, R.M. "Society. A Textbook of Sociology". Farrar and Rinehart. New York, 1937.
- MacIVER, R.M. "The Elements of Social Science". Methuen & Co. Ltd., London, 1949.
- MacMILLAN, W.M. "Africa Emergent. A Survey of Social, Political and Economic Trends in British Africa". Pelican Books, Middlesex, 1949.
- MacMILLAN, W.M. "Bantu, Boer and Briton. The Making of the South African Native Problem". Faber and Gwyer Ltd., London, 1929.
- MacMILLAN, W.M. "Complex South Africa. An Economic Footnote to History". Faber and Faber Ltd., London, 1930.
- MacMILLAN, W.M. "The Cape Colour Question. A Historical Survey". Faber and Gwyer Ltd., London, 1927.
- MALAN, D.F. "Die Groot Beslissing. Die Afrikanerdom en die Kleurvraagstuk". Voortrekkerpers Bpk., Johannesburg, 1938.
- MALAN, D.F. "Rassevrede Langs die Weg van Apartheid". Nasionale Pers Bpk., Kaapstad. (1948 ?)
- MALAN, M.P.A. "Election Manifesto of the National Party 1958". Bloemfontein, 1958.
- MALAN, M.P.A. "National Fruit. 1948-1958". Merino Publishers Ltd., Bloemfontein, 1958.

- MALAN, M.P.A. "Separate Development, Apartheid. Have promises been kept?" Bloemfontein, Merino Drukkers, 1957
- MALLIK, B.K. "The Individual and the Group. An Indian Study in Conflict". Allen and Unwin Ltd., London, 1939.
- MARAIS, B.J. "Die Kleur-Krisis en die Weste. ('n studie I.S. Kleur en Kleurverhoudings in die Amerikas) Goeie Hoop Uitgewers (Edms) Bpk., Johannesburg, 1952.
- MARAIS, J.S. "The Cape Coloured People. 1652-1937". Longmans, Green & Co. London, New York, Toronto, 1939.
- MARKHAM, V.R. "The New Era in South Africa. With an Examination of the Chinese Labour Question". Smith, Elder & Co., London, 1904.
- MARQUARD, L. "South Africa's Colonial Policy". S.A.I.R.R. Johannesburg, 1957.
- MARQUARD, L. "The Native in South Africa". Witwatersrand University Press, Johannesburg, 1948.
- MARQUARD, L. "The Peoples and Policies of South Africa". Geoffrey Cumberlege, Oxford University Press, London, New York, Cape Town. 1952.
- MASON, P. "An Essay on Racial Tension". Royal Institute of International Affairs, London and New York, 1954.
- MATHEWS, B. "The Clash of Colour. A Study in the Problem of Race". Church Missionary Society, London, 1924.
- MCCORD, J.J. "South African Struggle". J.H. de Bussy, Pretoria, 1952.
- MERLE-DAVIS, J. "Modern Industry and the African. An Enquiry into the Effect of the Copper Mines of Central Africa upon Native Society and the Work of Christian Missions made under the Auspices of the Department of Social and Industrial Research of the International Missionary Council". MacMillan, London, 1933.
- MILLIN, S.G. "General Smuts". Faber & Faber, London, 1936.
- MILLIN, S.G. "The South Africans". Constable and Co. Ltd., London, 1934.
- MOLTENO, D. "Tomlinson and Government Policy". Race Relations Journal Vol. XXIII, Nos. 2 and 3, October 1956.
- MURPHY, C.G. "Community Organization Practice". Houghton Mifflin, Boston, 1954.

- MYRDAL, G. "Value in Social Theory. A Selection of Essays on Methodology". Routledge and Kegan, Paul, London, 1958.
- NASIONALE PARTY. "Generaal Hertzog se Bolmakisie. Naturelle Behou Stemreg. Nasionale Partyleiers Praat Reguit. Groot Nasionale Byeenkoms se Besluit". Federale Raad van die Nasionale Party, 1936.
- NASIONALE PARTY. "Nasionale Party. Konstitusie en Program van Beginsels". Nasionale Party, Kaapstad, 1955.
- NGUBANE, J.K. "The Hardening Temper of the African". Race Relations Journal Vol. XXIII, Nos. 2 and 3, October, 1956.
- NICHOLSON, M. "West African Ferment". Fabian Publications and Gollancz, London, 1950.
- NIELSEN, P. "The Colour Bar". Juta & Co. Ltd., Cape Town, 1937.
- NON RACIAL FRANCHISE ASSOCIATION AND JOINT COUNCIL OF EUROPEANS AND BANTU. "Native Disabilities in the Union of South Africa". Cape Town 1931.
- NORTH, C.C. "Social Differentiation". Oxford University Press, London, 1926.
- NORTON, G. "Opportunity in South Africa. Foreword by Viscount Kemsley", London, Rockliff, 1948.
- OLIVIER, LORD "The Anatomy of African Misery". Leonard and Virginia Wolf, London, 1927.
- OLIVIER, N.J.J. "Apartheid - A Slogan or a Solution?" Pro Ecclesia, Stellenbosch, 1954.
- OLIVIER, N.J.J. "Die Regte van Naturelle op Grond in Platte-landse Gebiede". Groepsgebiede en Woonbuurt-skeiding. Referate Gelewer op die Derde Jaar-vergadering van die S.A.B.R.A. 1952. Pro Ecclesia, Stellenbosch, 1952.
- ORANGE FREE STATE. "Wetboek" 1854-1891
1892-1899
- PATTERSON, S. "Colour and Culture in South Africa. A Study of the Status of the Cape Coloured People Within the Social Structure of the Union of South Africa". Routledge and Kegan Paul Ltd., London, 1953.
- PATTERSON, S. "The Last Trek. A Study of the Boer People and the Afrikaner Nation". Routledge and Kegan Paul Ltd., London, 1957.
- PERHAM, M. "The Psychology of African Nationalism". Optima March 1960, Vol.10, No.1

- PHILLIPS, R.E. "The Bantu are Coming. Phases of South Africa's Race Problem". 3rd Edition. Students' Christian Association of South Africa, Stellenbosch, 1931.
- PIENAAR, S. "Safeguarding the Nations of South Africa". South Africa. Two Views of Separate Development. Oxford University Press, London, New York, Cape Town, 1960.
- PIROW, O. "James Barry Munnik Hertzog; Foreword by the Hon. Charles te Water". Timmins, Cape Town, 1957.
- PISTORIUS, P.V. "No Further Trek". Central News Agency Ltd. South Africa, 1957.
- POHL, V. "Adventures of a Boer Family". Faber & Faber Ltd. London, 1944.
- POLLAK, H. "African Affairs". National Council of Women News. Vol.26, July 1960, No.1
- POTTER, H. "The Quest of Justice". Sweet and Maxwell, London, 1951.
- PRICE, G.A. "White Settlers and Native Peoples. An Historical Study of Racial Contacts between English-speaking Whites and Aboriginal Peoples in the United States, Canada, Australia and New Zealand". Georgian House, Melbourne, and Cambridge University Press, 1950.
- PRINSLOO, G.W. "Vraagstukke in Verband met Stedelike Naturelle-Arbeiders". Die Naturel in die Suid-Afrikaanse Nywerheidslewe. Referate gelewer op die tweede Jaarvergadering van die Suid-Afrikaanse Buro vir Rasse-Aangeleenthede. 1951. Pro Ecclesia, Stellenbosch, 1951
- RAMSBOTTOM, W.H. "South Africa and the North". Coming of Age. Studies in South African Citizenship and Politics. Maskew Miller, Cape Town, 1930.
- REITZ, D. "Commando. A Boer Journal of The Boer War". Faber and Faber Ltd., London, 1929.
- RHEINALLT-JONES, J.D. "At the Cross Roads". Presidential Address to the 23rd Annual Council Meeting of the South African Institute of Race Relations held in Cape Town, January 25th, 1953. S.A.I.R.R., Johannesburg, 1953.
- RHEINALLT-JONES, J.D. "The Worker in Industry". Coming of Age Studies in South African Citizenship and Politics Maskew Miller, Cape Town, 1930.
- ROBERTS, M. "The Law Relating to Farm Labour". Race Relations Journal Vol. XXVI No.3 July-September, 1959.

- ROBERTS, M. and TROLLIP, A.E.G. "The South African Opposition. 1939-1945. An Essay in Contemporary History". Longmans, Green, London, Cape Town, New York. 1947.
- ROGERS, H. "Native Administration in the Union of South Africa. Being a Brief Survey of the Organisation, Functions and Activities of the Department of Native Affairs of the Union of South Africa". University of Witwatersrand Press, Johannesburg, 1933.
- ROSE, A.M. "Studies in Reduction of Prejudice. A Memorandum summarizing research on modification of attitudes". The Council, Chicago, 1948.
- ROUX, E. "Land and Agriculture in the Native Reserves". Handbook on Race Relations in South Africa. Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York. 1949.
- ROUX, E. "Time Longer than Rope. A History of the Black Man's Struggle for Freedom in South Africa". Gollancz, London, 1948.
- ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS. "Nationalism. A Report by a Study Group of Members of the Royal Institute of International Affairs". Oxford University Press, London, New York, Toronto, 1939.
- RUBIN, L. "This is Apartheid". Gollancz, London, 1959.
- RUSSELL, A.G. "Colour, Race and Empire". Gollancz, London, 1944.
- SADIE, J.L. "Demografiese en Beroepsaspekte van die Naturelle-Bevolking". Die Naturel in die Suid-Afrikaanse Nywerheidslewe. Referate Gelewer op die tweede Jaarvergadering van die Suid Afrikaanse Buro vir Rasse-Aangeleenthede. 1951. Pro-Ecclesia, Stellenbosch, 1951.
- SAMPSON, A. "Old Fallacies with a New Look: Ignoring the Africans". South Africa. Two Views of Separate Development. Oxford University Press, London, New York, Cape Town, 1960.
- SCHAPERA, I. (Editor) "Western Civilization and the Natives of South Africa. Studies in Culture Contact". Routledge and Sons, Ltd., London, 1934.
- SEGAL, R.M. "The Creeping Tragedy of South Africa". New Statesman. The Week-end Review. Vol. LVII No. 1459. 28th February, 1959.
- SEYMOUR, S.M. "Native Law in South Africa". Juta & Co. Ltd., Cape Town and Johannesburg, 1953.
- SHEPHERD, R.H.W. "Bantu Literature and Life". Lovedale Press, Lovedale, 1955.

- SIMONS, H. J. "Some Aspects of Urban Native Administration". Race Relations. Vol. 7 No. 4, 1940.
- SIMONS, H. J. "The Law and Its Administration". Handbook on Race Relations in South Africa. Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York, 1949.
- SMALL, A. W. "General Sociology. An Exposition of the Main Development in Sociological Theory from Spencer to Ratzenhofer". University of Chicago Press, Chicago, 1905.
- SMITH, E. W. "Aggrey of Africa. A Study in Black and White". Student Christian Movement, London, 1929.
- SMITH, R. "White Man's Burden. A Personal Testament". Vanguard Press, New York, 1946.
- SONNABEND, H. "Population". Handbook on Race Relations in South Africa. Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York, 1949.
- SOPER, E. D. "Racism. A World Issue". Abingdon-Cokesbury Press, New York, Nashville, 1947.
- SOROKIN, P. "Social Mobility". Harper and Brothers, New York and London, 1927.
- SOUTH AFRICA. 1904 Census. Preliminary Report of the Director of the Census with Detailed Returns of Population and Buildings. G. 80, 1904.
- Report of the South African Native Affairs Commission, 1903-1905 (Cd. 2399)
- SOUTH AFRICAN INSTITUTE OF RACE RELATIONS.
Race Relations Journal Vol. XXI, No. 4, 1954.
- SOUTH AFRICAN INSTITUTE OF RACE RELATIONS.
Race Relations News. Publications
Vol. XVIII No. 4 April, 1956
No. 5 May, 1956
No. 6 June, 1956
No. 7 July, 1956
No. 8 August, 1956
Nos. 10, 11 and 12 October-December, 1956
Vol. XIV Nos. 1 and 2 January-February, 1957
- SOUTH AFRICAN INSTITUTE OF RACE RELATIONS.
"Some Aspects of the Native Question. Selected Addresses delivered at the Fifth National European -- Bantu Conference, Bloemfontein, July 5th-7th, 1933". S.A.I.R.R. Johannesburg, 1933.
- SOUTH AFRICAN INSTITUTE OF RACE RELATIONS.
"The Native Laws Amendment Bill. Its Effect on Religious and Other Freedoms". The Institute, Johannesburg, 1957.

- SOUTH AFRICAN LAW REPORTS. "Decisions of the Supreme Court of South Africa Appellate Division During the year 1917". April-June 1917.
- SOUTH AFRICAN LAW REPORTS. "Decisions of the Supreme Court of South Africa. The High Court of Southern Rhodesia. The High Court of South West Africa. 1955"
- SOUTH AFRICAN NATIVE RACES COMMITTEE. (Editor)
"The Natives of South Africa. Their Economic and Social Condition". John Murray, London, 1901.
- SOUTH AFRICAN NATIVE RACES COMMITTEE. (Editor)
"The South African Natives. Their Progress and Present Condition". John Murray, London, 1909.
- SOUTH AFRICAN REPUBLIC. "Locale Wetten van der Zuid-Afrikaansche Republiek 1849-1885". Pretoria, 1887.
- SOWDEN, L. "The Union of South Africa". Doubleday, Doran and Co., New York, 1943.
- SPECIAL COMMITTEE OF THE CENTRAL HOUSING BOARD.
"Housing in Urban Native Areas". Race Relations Vol.7 No.4, 1940.
- STAFFORD, W.G. "Native Law as Practised in Natal". Witwatersrand University Press, Johannesburg, 1935.
- STAFFORD, W.G. and FRANKLIN, E. "Principles of Native Law and the Natal Code". Shuter and Shooter, Pietermaritzburg, 1950.
- STAUFFER, M.T. (Editor) "Thinking with Africa; Chapters by a Group of Nationals interpreting the Christian Movement". Students Christian Movement, London, 1928.
- STEENKAMP, A. "Die Dagboek van Anna Steenkamp en Fragmentjies oor die Groot Trek deur 'n paar Saamwerkers". Natalse Pers, Pietermaritzburg, 1939.
- STOCKENSTROM, E. "Die Afrikaanse Vrou, die Vrou in die Geskiedenis van die Hollands-Afrikaanse Volk. 'n Beknopte oorsig van die rol wat die vrou in die Geskiedenis van Suid-Afrika gespeel het in die 350 jaar tussen 1568 en 1918". Pro Ecclesia, Stellenbosch, 1921.
- SUZMAN, H. "A Digest of the Native Laws (Fagan) Commission". Donaldson Blue Print Series No.1. S.A.I.R.R. Johannesburg, 1948.
- TERRELL, M.C. "A Colored Woman in a White World". Ransdell, Washington, 1940.
- THE TIMES CORRESPONDENT. "Anatomy of Apartheid 1960". Series of Articles from The Times, 8th January, 1960 to 11th March, 1960.

- THEAL, G. McC. "History and Ethnography of Africa South of the Zambesi. From the Settlement of the Portuguese at Sofala in September 1505 to the Conquest of the Cape Colony by the British in September 1795". 3 Vols. Swan Sonnenschein and Co., Ltd., Bloomsbury. London. 1910.
- THEAL, G. McC. "History of South Africa Since September 1795". 5 Vols. Swan Sonnenschein and Co. Ltd., Bloomsbury. London. Vols. 1, 2 and 3 dated 1908, Vol. 4 dated 1911, Vol. 5 dated 1910.
- THEAL, G. McC. "Proclamations, Notices and Regulations in force in the Native Territories of the Cape Colony on the 20th July 1896". Government Printers, Cape Town 1896.
- THOMSON, D. "The Government of Divided Communities". The Fourteenth Hoernlé Memorial Lecture. S.A.I.R.R., 1958.
- THOMPSON, L. M. "The Political Implications of the Tomlinson Report". Race Relations Journal Vol. XXIII Nos. 2 and 3 October, 1956.
- THWAITE, D. "The Seething African Pot. A Study of Black Nationalism 1882-1935". Constable & Co. Ltd., London, 1936.
- TIMASHEFF, N. S. "An Introduction to the Sociology of Law". Cambridge, Harvard University Committee on Research in the Social Sciences, 1939.
- TINGSTEN, H. "The Problem of South Africa". Gallancz. London, 1955.
- TINLEY, J. M. "The Native Labor Problem in South Africa". Chapel Hill, University of North Carolina Press, 1942.
- TRANSVAAL. "Statutory Proclamations of the Transvaal 1900-1902" Stevens & Sons Ltd., London, 1904.
- "Ordinances of the Transvaal, 1902". Pretoria, 1904.
- "Ordinances of the Transvaal 1903". Pretoria, 1904.
- "Ordinances of the Province of the Transvaal 1931-1933". Pretoria.
- TRANSVAAL LAW REPORTS. (SUPREME COURT 1905).
Tsewu versus Registrar of Deeds, 4th April, 1905.
- UNION OF SOUTH AFRICA. (CENSUS REPORTS).
Census of the Union of South Africa 1911. Part 1. Population and Dwellings.

Report of Census of the Union of South Africa
7th May, 1911. U.G. 32, 1912.

UNION OF SOUTH AFRICA. (CENSUS REPORTS)

(contd) Census of the European or White Races of the Union of South Africa 1918. Final Report and Supplementary Tables U.G.56, 1920.

Report on the Third Census of the Population of the Union, 3rd May, 1921. Part VIII -- Statistics Regarding Non-Europeans. U.G.40, 1924.

Census 5th May, 1936. Preliminary Report on the Enumeration of all Races of the Population. (Figures revised to 15th October, 1936). U.G.50, 1936.

Sixth Census of the Population of South Africa enumerated 5th May, 1936. Vol.IX Natives (Bantu) and other Non-European races. U.G.12, 1942.

Population Census 7th May, 1946. Vol.V Occupations and Industries of the European, Asiatic, Coloured and Native Population. U.G.41, 1954.

Population Census 8th May, 1951. Vol.II Marital Status of the White Population of the Union of South Africa together with 1946 Census Figures of all Races of the Population. U.G.61, 1954.

Population Census 8th May, 1951. Vol.V. All Races. U.G.42, 1958.

Geografiese Verspreiding van die Bevolking. Bevolking-sensus 8 Mei, 1951. Spesiale Verslag No.200.

Marriages (All races) 1957 and earlier years. U.G.38, 1958.

UNION OF SOUTH AFRICA (DEPARTMENT OF HEALTH)

Institute of Family and Community Health. Report of The Medical Officer-in-Charge. Year ending June 30th, 1950.

UNION OF SOUTH AFRICA (GOVERNMENT GAZETTE)

July - September, 1934.

December, 1937

October - December, 1940

October - December, 1943

June, 1952

October - December, 1957

UNION OF SOUTH AFRICA (GOVERNMENT REPORTS)

Report of the Commission Appointed to Enquire into Assaults on Women. U.G.39, 1913.

Report of the Tuberculosis Commission 1914. U.G.34, 1914.

Report of Select Committees Vol.III. Fourth Session First Parliament 1914. S.C.8, 1914.

Report of the Local Government Commission (Municipal Taxation and Government by Commissioners) T.P.3, 1915.

UNION OF SOUTH AFRICA (GOVERNMENT REPORTS)

(cont.) Report of the Department of Native Affairs for the Years 1913 to 1918. U.G.7, 1919.

Report of the Local Government Commission 1921. (Stallard Commission) T.P.1, 1922.

Report of the Native Affairs Department for the Years 1919 to 1921. U.G.34, 1922.

Report of the Inter-Departmental Committee on the Native Pass Laws 1920. U.G.41, 1922.

The Poor White Problem in South Africa. Report of the Carnegie Commission. Vol.1. Rural Impoverishment and Rural Exodus. Pro-Ecclesia, Stellenbosch, 1932.

Report of the Native Economic Commission 1930-1932. U.G. 22, 1932.

Report of the Native Affairs Commission for the Year 1936. U.G.48, 1937.

Interim and Final Reports of the Commission of Inquiry appointed by His Excellency the Governor-General to Inquire into certain matters concerning The South African Police and The South African Railways and Harbours Police. U.G.50, 1937.

Report of the Central Housing Board Constituted under Section 18 of the Housing Act, No.35 of 1920 for the Year ended 31st December 1938. U.G.29, 1939.

Report of the Native Affairs Commission for the Years 1937-1938. U.G.54, 1939.

Report of the Inter-Departmental Committee on the Social, Health and Economic Conditions of Urban Natives. 1942. (Smit Report). Not numbered.

Report of the Native Laws Commission 1946-1948 (Fagan Commission). U.G.28, 1948.

Report No.13. The Economic and Social Conditions of the Racial Groups in South Africa. U.G.53, 1948.

Report of the Native Affairs Commission for the year 1951-1952. U.G.37, 1955.

Summary of the Report of the Commission for the Socio-Economic Development of the Bantu Areas Within the Union of South Africa (Tomlinson Report). U.G.61, 1955.

Verslag van die Kommissie van die Sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika. Vol.3. Hoofstukke 7, 8, 9 en 10. Boekdeel 1. Die Breëre Verband.

UNION OF SOUTH AFRICA (GOVERNMENT REPORTS)

(cont.) Verslag van die Kommissie van die Sosio-ekonomiese ontwikkeling van die Bantoegebiede binne die Unie van Suid Afrika. Vol.4. Hoofstukke 11, 12 en 13. Boekdeel 11. Die Bantoegebiede.

Report of the Native Affairs Commission for the period 1st January, 1956 to 31st December, 1956. U.G. 37, 1958.

UNION OF SOUTH AFRICA (HOUSE OF ASSEMBLY DEBATES)

	24th January	to 16th June, 1913
	30th January	to 7th July, 1914
	26th February	to 21st April, 1915
Vol.1	25th January	to 10th April, 1924
Vol.2	5th July	to 6th September, 1924
Vol.3	13th February	to 15th April, 1925
Vol.4	16th April	to 11th June, 1925
Vol.5	12th June	to 25th July, 1925
Vol.6	2nd January	to 29th March, 1926
Vol.7	30th March	to 8th June, 1926
Vol.8	28th January	to 14th April, 1927
Vol.9	25th April	to 29th June, 1927
Vol.10	14th October, 1927	to 3rd April, 1928
Vol.11	4th April	to 1st June, 1928
Vol.12	25th January	to 27th March, 1929
Vol.13	19th July	to 16th August, 1929
Vol.14	17th January	to 4th April, 1930
Vol.15	7th April	to 31st May, 1930
Vol.16	30th January	to 31st March, 1931
Vol.17	13th April	to 6th June, 1931
Vol.18	18th November, 1931	to 24th March, 1932
Vol.19	5th April	to 27th May, 1932
Vol.20	20th January	to 2nd March, 1933
Vol.21	26th May	to 22nd June, 1933
Vol.22	26th January	to 28th March, 1934
Vol.23	9th April	to 4th June, 1934
Vol.24	11th January	to 15th March, 1935
Vol.25	18th March	to 4th May, 1935
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Vol.27	4th May	to 17th June, 1936
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Vol.29	8th March	to 16th April, 1937
Vol.30	19th April	to 17th May, 1937
Vol.31	11th February	to 16th March, 1938
Vol.32	22nd July	to 24th September, 1938
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Vol.40	24th August	to 14th September, 1940
Vol.41	27th January	to 14th March, 1941
Vol.42	17th March	to 6th May, 1941
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Vol.44	9th March	to 18th April, 1942
Vol.45	16th January	to 12th March, 1943

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(cont.)	Vol.46	15th March	to 27th April, 1943
	Vol.47	22nd January	to 3rd March, 1944
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	Vol.49	17th April	to 13th May, 1944
	Vol.50	15th May	to 6th June, 1944
	Vol.51	20th January	to 2nd March, 1945
	Vol.52	5th March	to 13th April, 1945
	Vol.53	16th April	to 16th May, 1945
	Vol.54	17th May	to 12th June, 1945
	Vol.55	18th January	to 1st March, 1946
	Vol.56	4th March	to 12th April, 1946
	Vol.57	12th April	to 18th May, 1946
	Vol.58	18th May	to 10th June, 1946
	Vol.59	18th January	to 14th February, 1947
	Vol.60	21st February	to 25th April, 1947
	Vol.61	28th April	to 5th June, 1947
	Vol.62	16th January	to 20th February, 1948
	Vol.63	23rd February	to 24th March, 1948
	Vol.64	6th August	to 10th September, 1948
	Vol.65	13th September	to 2nd October, 1948
	Vol.66	21st January	to 18th March, 1949
	Vol.67	21st March	to 20th April, 1949
	Vol.68	2nd May	to 3rd June, 1949
	Vol.69	3rd June	to 30th June, 1949
	Vol.70	20th January	to 3rd March, 1950
	Vol.71	6th March	to 21st April, 1950
	Vol.72	24th April	to 26th May, 1950
	Vol.73	29th May	to 24th June 1950
	Vol.74	19th January	to 22nd March, 1951
	Vol.75	3rd April	to 18th May, 1951
	Vol.76	21st May	to 22nd June, 1951
	Vol.77	18th January	to 14th March, 1952
	Vol.78	17th March	to 9th May, 1952
	Vol.79	12th May	to 6th June, 1952
	Vol.80	9th June	to 25th June, 1952
	Vol.81	23rd January	to 24th February, 1953
	Vol.82	3rd July	to 4th September, 1953
	Vol.83	7th September	to 2nd October, 1953
	Vol.84	29th January	to 26th March, 1954
	Vol.85	29th March	to 14th May, 1954
	Vol.86	17th May	to 15th June, 1954
	Vol.87	21st January	to 18th March, 1955
	Vol.88	21st March	to 13th May, 1955
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	Vol.91	19th March	to 18th May, 1956
	Vol.92	21st May	to 14th June, 1956
	Vol.93	18th January	to 15th March, 1957
	Vol.94	18th March	to 10th May, 1957
	Vol.95	13th May	to 21st June, 1957
	Vol.96	17th January	to 12th February, 1958
	Vol.97	4th July	to 25th August, 1958
	Vol.98	3rd September	to 25th September, 1958

UNION OF SOUTH AFRICA. (JOINT SITTING OF BOTH HOUSES OF PARLIAMENT.

17th May to 26th May, 1954
 9th June to 14th June, 1954

UNION OF SOUTH AFRICA. (SENATE DEBATES)
12th January to 18th April, 1942

UNION OF SOUTH AFRICA. (OFFICIAL YEAR BOOKS)

No.1	1910-1916;	No.2	1910-1917
No.3	1910-1918;	No.4	1910-1920
No.5	1910-1921;	No.6	1910-1922
No.7	1910-1924;	No.8	1910-1925
No.9	1926-1927;	No.10	1927-1928
No.11	1928-1929;	No.12	1929-1930
No.13	1930-1931;	No.14	1931-1932
No.15	1932-1933;	No.16	1933-1934
No.17	1934-1935;	No.18	1937
No.19	1938	No.20	1939
No.21	1940	No.22	1941
No.23	1946	No.24	1948
No.25	1949	No.26	1950
No.27	1952-1953;	No.28	1954-1955
No.29	1956-1957		

UNION OF SOUTH AFRICA. "State of the Union Economic, Financial and Statistical Year Book for the Union of South Africa 1959-1960". Da Gama Publications, Johannesburg, 1960.

UNITED NATIONS ORGANIZATION. (PUBLICATIONS)
Year Book of the United Nations 1947/1948.

Year Book of the United Nations 1948/1949.

Statistical Year Book 1952.

"Report of the United Nations Commission on the Racial Situation in the Union of South Africa". Supplement No.16 (A/2505 and A/2506/Add.1) New York, 1953.

"Second Report of the United Nations Commission on the Racial Situation in the Union of South Africa". Supplement No.16 (A/2719) New York, 1954.

"Third Report of the United Nations Commission on the Racial Situation in the Union of South Africa". Supplement No.14 (A/2953) New York, 1955.

Demographic Year Book 1958.

Statistical Year Book 1959.

UNITED PARTY. "The United Party's Plan for Constitutional Reform". 1958.

VAN BILJON, F.J. "Die Plek van die Naturel in die Toekomstige Nywerheidsontwikkeling van Suid-Afrika". Die Naturel in die Suid-Afrikaanse Nywerheidslewe. Referate Gelewer op die tweede Jaarvergadering van die Suid Afrikaanse Buro vir Rasse-Aangeleenthede. 1951
Pro Ecclesia, Stellenbosch, 1951.

VAN DEN HEEVER, C.M. "General J.B.M.Hertzog". A.P.B.Bookstore, Johannesburg, 1946.

- VAN DER HORST, S.T. "Labour". Handbook on Race Relations in South Africa. Geoffrey Cumberlege, Oxford University Press, Cape Town, London, New York, 1949.
- VAN DER HORST, S.T. "Native Labour in South Africa". Oxford University Press, Juta & Co. Ltd., Cape Town, 1942.
- VAN DER HORST, S.T. "The Economic Implications of Political Democracy. The Road to Economic Progress". Supplement to Optima, June, 1960
- VAN RIEBEEK, J.
 "Journal of Jan van Riebeek" Vol.1, 1651-1655
 A.A.Balkema, Cape Town, Amsterdam 1952.
 "Journal of Jan van Riebeek" Vol.II, 1656-1658
 A.A.Balkema, Cape Town, Amsterdam, 1954.
 "Journal of Jan van Riebeek" Vol.III, 1659-1662
 A.A.Balkema, Cape Town, Amsterdam, 1958.
- WALKER, E.A. "A History of Southern Africa". Longmans Green and Co., London, New York, Toronto. 1957.
- WALKER, E.A. "The Great Trek". Black, London, 1934.
- WARD, D. "British Bechuanaland Proclamations (Numbers 1 to 185) together with Appendices containing certain Acts of the Cape Parliament and the More Important Government Notices 1885-1893". Grahamstown, 1893.
- WELSH, A.S. "The Laws Relating to Natives in Urban Areas". City of Johannesburg Non-European Affairs Department, 1946.
- WEBB, M. "A Digest of the 1947/1948 Broome Commission". Donaldson Blueprint Series No.1 S.A.I.R.R. Johannesburg, 1948.
- WEBSTER, W.A. "Real Union in South Africa. A Record and a Plea". Maskew Miller, Cape Town, 1938.
- WELLS, H.G. "A Short History of the World". Penguin Books, Middlesex, 1938.
- WHITFIELD, G.M.B. "South African Native Law". Juta and Co. Ltd., Cape Town and Johannesburg, 1948.
- WHYTE, Q. "A Review of Legislation in 1957". Race Relations Journal Vol.XXV Nos.1 and 2, January to June, 1958. S.A.I.R.R.
- WHYTE, Q. "A Review of Recent Legislation". Race Relations Journal Vol.XXVI No.1 January to March, 1959. S.A.I.R.R.
- WHYTE, Q. "Behind the Racial Tensions in South Africa". S.A.I.R.R. Johannesburg, 1953.
- WILLE, G. "Principles of South African Law. Being a Textbook of the Civil Law of the Union". Juta and Co. Ltd., Cape Town, Johannesburg, 1945.

WOLTON, D.G. "Whither South Africa". Lawrence and Wishart, London, 1947.

WRONSKY, R. "Recruitment of Native Labour in the Union".
Die Naturel in die Suid-Afrikaanse Nywerheidslewe.
Referate gelewer op die tweede Jaarvergadering van
die Suid-Afrikaanse Buro vir Rasse-Aangeleenthede.
 1951. Pro Ecclesia, Stellenbosch, 1951.

YOUNG, K. "Social Psychology. An Analysis of Social Behaviour". F.S.Crofts and Co., New York, 1938.

ZIERVOGEL, C. "The Coloured People and the Race Problem.
 Foreword by D.H.Sims". Ceres, Weber, (1937 ?)

STATUTES, PROCLAMATIONS, AND ORDINANCESPRE - UNIONCAPE

Proclamation No.27, dated 27th June, 1797
 Proclamation dated 14th May, 1812
 Ordinance No.49 of 1828
 Ordinance No.50 of 1828
 Ordinance No.2 of 1837
 Act No.23 of 1857
 Act No.27 of 1857
 Native Pass and Contract Law Amendment Act (No.22 of 1867)
 Cape Native Locations Amendment Act (No.8 of 1878)
 Vagrancy Act (No.23 of 1879)
 Transkei Proclamation No.110 of 1879 (dated 15th September, 1879)
 British Bechuanaland Proclamation No.2 of 1885 (dated 6th October, 1885)
 Native Registered Voters Act (No.39 of 1887)
 Vagrancy Law Amendment Act (No.27 of 1889)
 Glen Grey Act (No.25 of 1894)
 Increased Powers to Local Authorities Act (No.30 of 1895)
 Public Health Amendment Act (No.23 of 1897)
 Liquor Law Amendment Act (No.28 of 1898)
 Native Reserve Locations Act (No.40 of 1902)
 Private Locations Act (No.32 of 1909)

NATAL

Ordinance No.2 of 1855
 Law No.15 of 1869
 Proclamation dated 11th March, 1870
 Law No.48 of 1884
 Law No.52 of 1887
 Liquor Act (No.38 of 1896)
 Courts Act (No.49 of 1898)
 Act No.49 of 1901
 Act No.2 of 1904
 Act to Facilitate the Identification of Native Servants (No.3 of 1904)
 Firearms and Ammunition Act (No.1 of 1906)

ORANGE FREE STATE

Coloured Persons in Towns Law (No.8 of 1893)
 Law No.16 of 1894
 Native Passes and Squatting Law (No.4 of 1895)
 Vagrancy Law (No.8 of 1899)
 Ordinance No.35 of 1903
 Municipal Ordinance No.6 of 1904
 Ordinance No.52 of 1905
 Pass Laws Amendment Ordinance (No.9 of 1906)
 Pass Laws Supplementary Ordinance (No.30 of 1906)

SOUTH AFRICAN REPUBLIC (TRANSVAAL)

Grondwet van de Zuid-Afrikaansche Republiek 1858.
 Law No.4 of 1885
 Law No.11 of 1887
 Squatters' Law (No.21 of 1895)
 Native Passes Law (No.22 of 1895)
 Law No.23 of 1895
 Law No.31 of 1896
 Native Passes Proclamation (No.37 of 1901)
 Liquor Licensing Ordinance (No.32 of 1902)
 Night Passes for Natives Ordinance (No.43 of 1902)
 Proclamation No.18 of 1903
 Night Passes Proclamation Amendment Act (No.27 of 1903)
 Immorality Ordinance (No.46 of 1903)
 Proclamation No.56 of 1903
 Proclamation No.1 of 1905
 Proclamation No.82 of 1905
 Proclamation No.15 of 1906
 Proclamation No.4 of 1907
 Proclamation No.23 of 1908
 Urban Areas Natives Pass Act (No.18 of 1909)

1909

South Africa Act 1909

POST - UNION

Census Act (No.2 of 1910)
 Proclamation No.171 of 1910 (Union)
 Mines and Works Act (No.12 of 1911)
 Native Labour Regulation Act (No.15 of 1911)
 Natives Land Act (No.27 of 1913)
 Immigrants' Regulation Act (No.22 of 1913)
 Riotous Assemblies and Criminal Law Amendment Act (No.27 of 1914)
 Public Health Act (No.36 of 1919)
 Native Affairs Act (No.23 of 1920)
 Housing Act (No.35 of 1920)
 Apprenticeship Act (No.26 of 1922)
 Natives Urban Areas Act (No.21 of 1923)
 Births, Marriages, and Deaths Registration Act (No.17 of 1923)
 Apprenticeship Amendment Act (No.15 of 1924)
 Natives Taxation and Development Act (No.41 of 1925)
 Mines and Works Amendment Act (No.25 of 1926)
 Natives Taxation and Development Amendment Act (No.28 of 1926)

Native Administration Act (No.38 of 1927)
 Immorality Act (No.5 of 1927)
 Native Lands Further Release and Acquisition Act (No.34 of 1927)

 Liquor Act (No.30 of 1928)

 Native Administration Amendment Act (No.9 of 1929)

 Women's Enfranchisement Act (No.18 of 1930)
 Riotous Assemblies and Criminal Law Amendment Act (No.19 of 1930)
 Natives (Urban Areas) Amendment Act (No.25 of 1930)

 Native Lands Adjustment Act (No.36 of 1931)
 Natives Taxation and Development Amendment Act (No.37 of 1931)
 Franchise Laws Amendment Act (No.41 of 1931)

 Native Service Contract Act (No.24 of 1932)

 Births, Marriages, and Deaths Registration Act (No.7 of 1934)
 Slums Act (No.53 of 1934)
 Housing Amendment Act (No.68 of 1934)
 Proclamation 150 of 1934, dated 17th August, 1934.

 Census Amendment Act (No.5 of 1935)
 Native Lands Further Release and Acquisition Act (No.27 of 1935)

 Representation of Natives Act (No.12 of 1936)
 Native Trust and Land Act (No.18 of 1936)
 Housing Amendment Act (No.31 of 1936)

 Electoral Quota Act (No.21 of 1937)
 Industrial Conciliation Act (No.36 of 1937)
 Additional Housing Act (No.41 of 1937)
 Native Laws Amendment Act (No.46 of 1937)
 Proclamation 264 of 1937, dated 24th December, 1937.

 Native Trust and Land Amendment Act (No.17 of 1939)

 War Measure Act (No.13 of 1940)
 War Measures Amendment Act (No.32 of 1940)
 Proclamation No.218 of 1940, dated 8th November, 1940.

 Births, Marriages, and Deaths Registration Amendment Act (No.5 of 1943)
 Housing Acts Amendment Act (No.38 of 1943)
 War Measure No.81 of 1943.

 Native Laws Amendment Act (No.36 of 1944)
 Housing Amendment Act (No.49 of 1944)

 Natives (Urban Areas) Consolidation Act (No.25 of 1945)
 Natives Urban Areas Amendment Act (No.43 of 1945)
 Housing (Emergency Powers) Act (No.45 of 1945)

 Natives Urban Areas Amendment Act (No.42 of 1946)

Native Laws Amendment Act (No.45 of 1947)

Housing Amendment Act (No.12 of 1948)

Motor Carrier Transportation Act (No.50 of 1949)
 Prohibition of Mixed Marriages Act (No.55 of 1949)
 Native Laws Amendment Act (No.56 of 1949)
 Housing Amendment Act (No.57 of 1949)

Immorality Act (No.21 of 1950)
 Population Registration Act (No.30 of 1950)
 Group Areas Act (No.41 of 1950)

Native Building Workers Act (No.27 of 1951)
 Prevention of Illegal Squatting Act (No.52 of 1951)
 Bantu Authorities Act (No.68 of 1951)

Native Laws Amendment Act (No.54 of 1952)
 Native Services Levy Act (No.64 of 1952)
 Group Areas Amendment Act (No.65 of 1952)
 Natives (Abolition of Passes and Co-ordination of Documents)
 Act (No.67 of 1952)
 Proclamation No.131 of 1952, dated 20th June, 1952.

Bantu Education Act (No.47 of 1953)
 Reservation of Separate Amenities Act (No.49 of 1953)

Native Trust and Land Amendment Act (No.18 of 1954)
 Natives Resettlement Act (No.19 of 1954)

Group Areas Amendment Act (No.6 of 1955)
 Natives Urban Areas Amendment Act (No.16 of 1955)
 Group Areas Further Amendment Act (No.68 of 1955)
 Group Areas Development Act (No.69 of 1955)

Group Areas Amendment Act (No.29 of 1956)
 Group Areas Amendment Act (No.52 of 1956)
 Natives (Prohibition of Interdicts) Act (No.64 of 1956)
 Natives (Urban Areas) Amendment Act (No.69 of 1956)
 Native Trust and Land Amendment Act (No.73 of 1956)

Housing Act (No.10 of 1957)
 Native Laws Amendment Act (No.36 of 1957)
 Group Areas Amendment Act (No.57 of 1957)
 Group Areas Act (No.77 of 1957)
 Native Laws Further Amendment Act (No.79 of 1957)
 Proclamation No.333 of 1957, dated 1st November, 1957.

Housing Amendment Act (No.24 of 1958)
 Electoral Law Amendment Act (No.30 of 1958)
 Native Trust and Land Act (No.41 of 1958)

University of South Africa Act (No.19 of 1959)
 Promotion of Bantu Self-Government Act (No.46 of 1959)

APPENDIX FOUR

GRAPHICAL ILLUSTRATIONS

Handwritten Dutch text, heavily obscured by ink bleed-through from the reverse side of the page. The text is illegible due to the high contrast and dark smudges.

Op huyden den VI en Julij anno 16 hondert twee en vyftich Compareerde voor mij Abraham Gabbema Scretaris van den E. Com-
 mandeur ende Raedt van 't fort de Goede Hoop ende de naer-
 genoemde getuygen Pieter van der Stael Sieckentrooster in
 dienst van de Nederlandsche g'octroyeerde Oost indische Compe
 en bescheyden in deser fortress, dewelke bekende voor synen
 erven ende nacomelingen in vrijdom vercocht getransporteert
 ende overgedragen te hebben gelyck hy doet by desen aan
 Jan Zacharias van Amsterdam Jonghman ende vrijman aen d' Caep
 seeckere slavinne genaemt Maria geboortich van
 in Bengalen, hem comprt., aengecomen by
 coop van Hendricq Hendricxsz. eenen vryburger alhier
 op conditie dat deselve slavinne uijt haar slavernijd sal
 wesen verlost ende als een vrije vrouwe ende hem in den
 huwelyck staet te treden ende tot syn wettige huysvrouwe
 te trouwen,
 Gelyck hy jegenwoordich (tot dies synde mede comparerende)
 deselve uyt haar slavernijd in eeuwige vrijdom stelt ende
 voor een vrije erkent, mitsgaders oock belovende voor syn
 wettige huysvrouwe (naar voorgaende huwelycse geboden)
 te trouwen ende houden,
 Bekennende hy Comprt. Van der Stael van de vrycoopinge der
 slavinne voldaan ende betaelt te syn den eersten penningh
 met den laesten, Belovende derhalve de voorz. vrygecochte
 slavinne voor alle namaninge ende actie de ymandt op de
 vrygecochte in tijt ende wijle soude mogen comen te preten-
 deren offte hebben te bevrijden, costeloos ende schadeloos
 te houden, bindende syl. Comprten tot voldoening ende
 naecominge van 't gunst sy hier vooren hebben beloov't
 haare respectieve persoonen ende goederen subject als naar
 rechts.
 Aldus gedaan ende gepasseert in 't Fort de Goede Hoop ten
 dage ende Jaere voorschreven ter presentie van Claes Frans
 Boodingh, schipper op 't Jacht Maria ende Jochim Blanck
 getuygen van goede geloov hiertoe versocht ende gebeden.

Pieter van der Stael
 ? ?
 Jan Zacharijas

Als getuygen:
 Claes Frans Boodingh
 Jochim Blanck

Ter Oirconde
 Abraham Gabbema
 Sekretaris,
 1652.

DEED OF SLAVE TRANSFER — FACSIMILE SHEET.

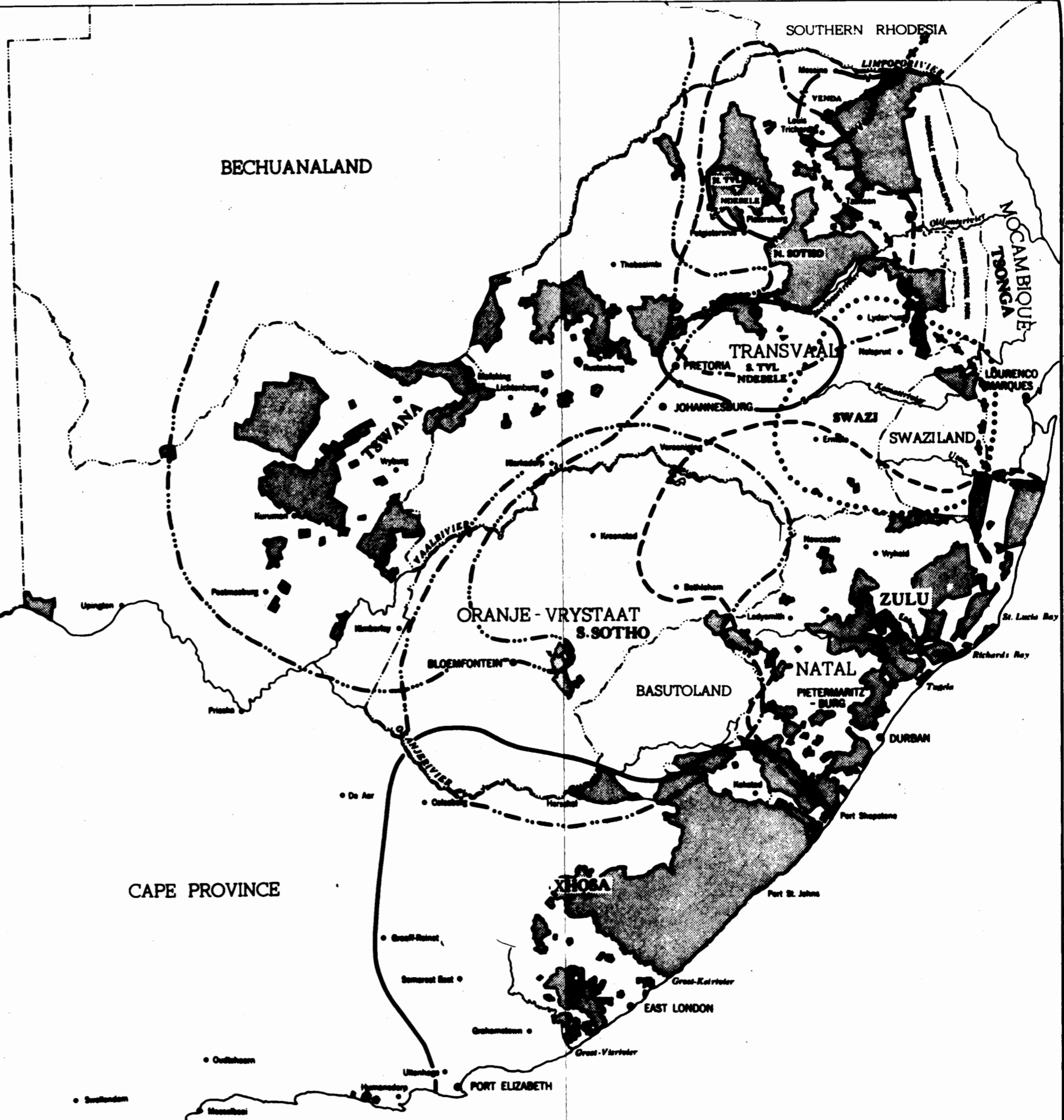
(LET WEL: Die oorspronklike datum op bogenoemde dokument is reeds baie verweer. Dit mag ook 1658 wees)

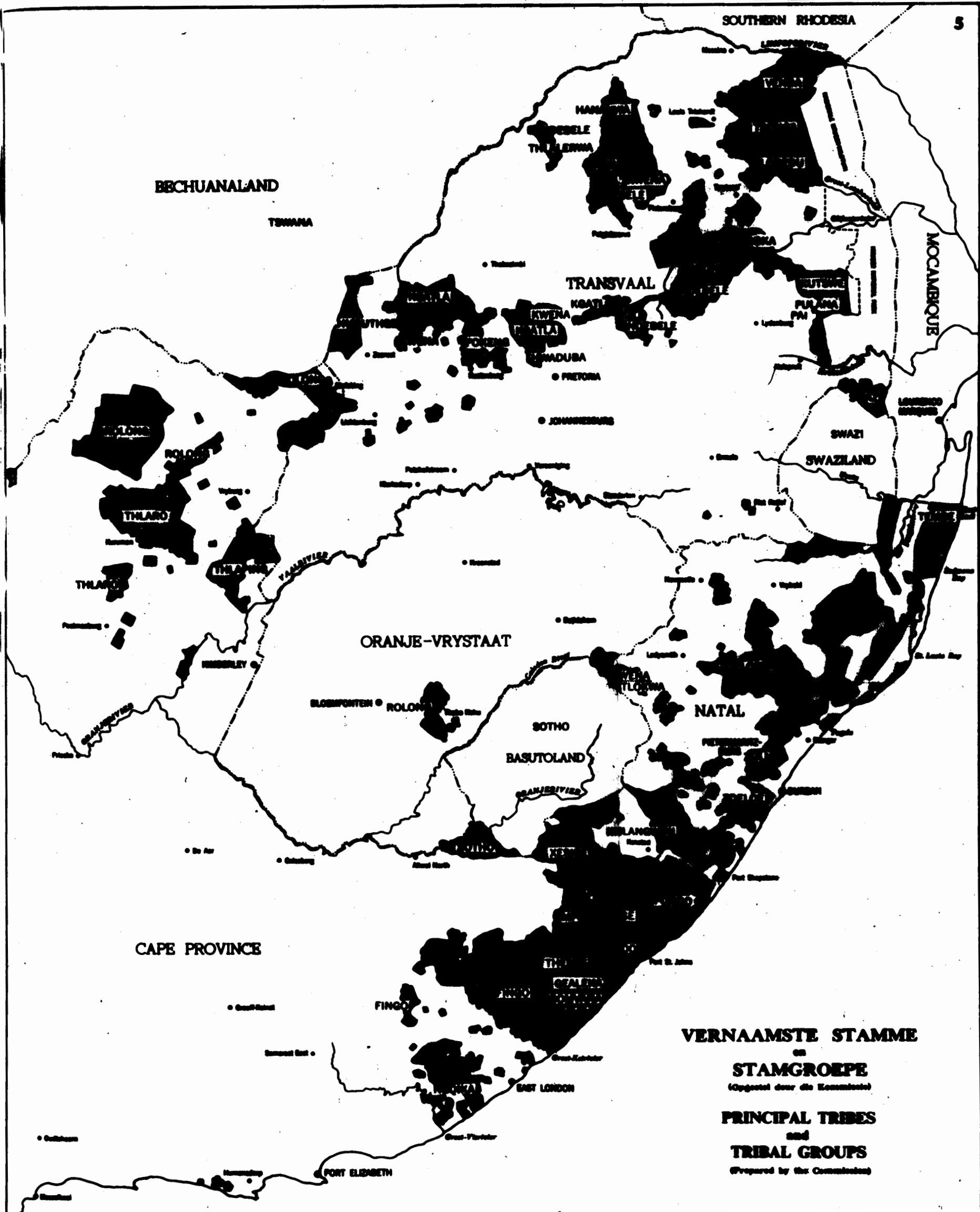
TSONGA 3.4%	S.SOTHO 10.1%	TSWANA 8.0%	N.SOTHO 10.4%	BUIE UNIE EXTRA UNION
				ANDER EN NIE GESPEKIFISEER
			OTHER AND NOT SPECIFIED	VENDA 1.8%
		N. NDEBELE 0.44%		S. NDEBELE 1.5%
XHOSA 31.8%		ZOELOE ZULU 27.5%		
				SWAZI 2.8%

BANTU LANGUAGE MAP
of
SOUTH AFRICA
(According to van Warmelo)

BANTOE-TAALKAART
VAN
SUID-AFRIKA
(Volgens van Warmelo)

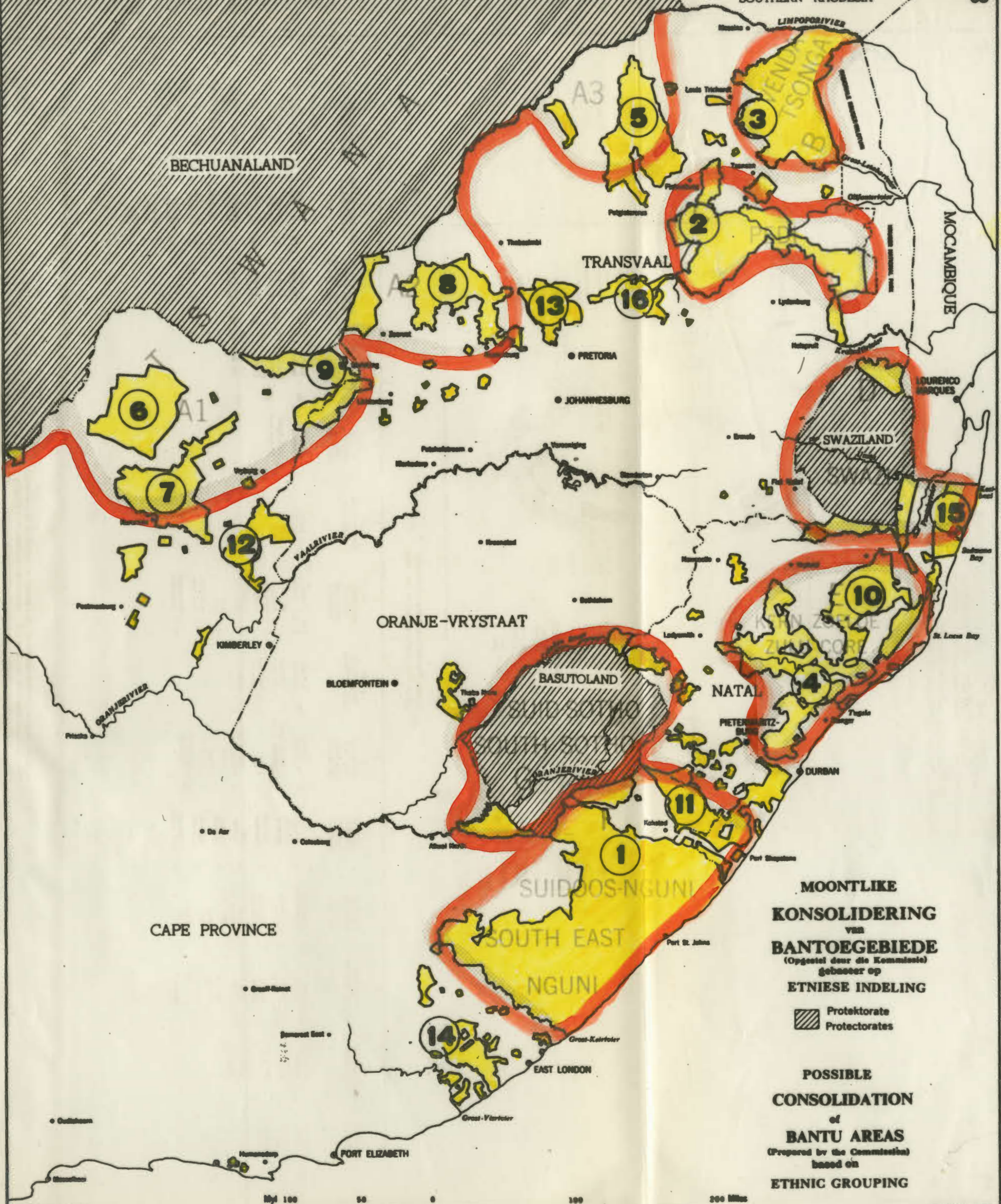
ETHNIC GROUP ETNIESE GROEP	NUMBER GETAL	PERCENTAGE PERSENTASIE
Xhosa	2,354,000	31.8%
Zoelo/Zulu	2,035,000	27.5%
Swazi	206,000	2.8%
S. Ndebele	111,500	1.5%
N. Ndebele	32,500	0.44%
Tsonga	248,000	3.4%
S. Sotho	748,000	10.1%
Tswana	596,000	8.0%
N. Sotho	772,000	10.4%
Venda	133,000	1.8%
Andr/Other	165,000	2.26%
	<u>7,400,000</u>	<u>100%</u>






VERNAAMSTE STAMME
 OR
STAMGROEPE
 (Opgevat deur die Kommissar)

PRINCIPAL TRIBES
 and
TRIBAL GROUPS
 (Prepared by the Commission)

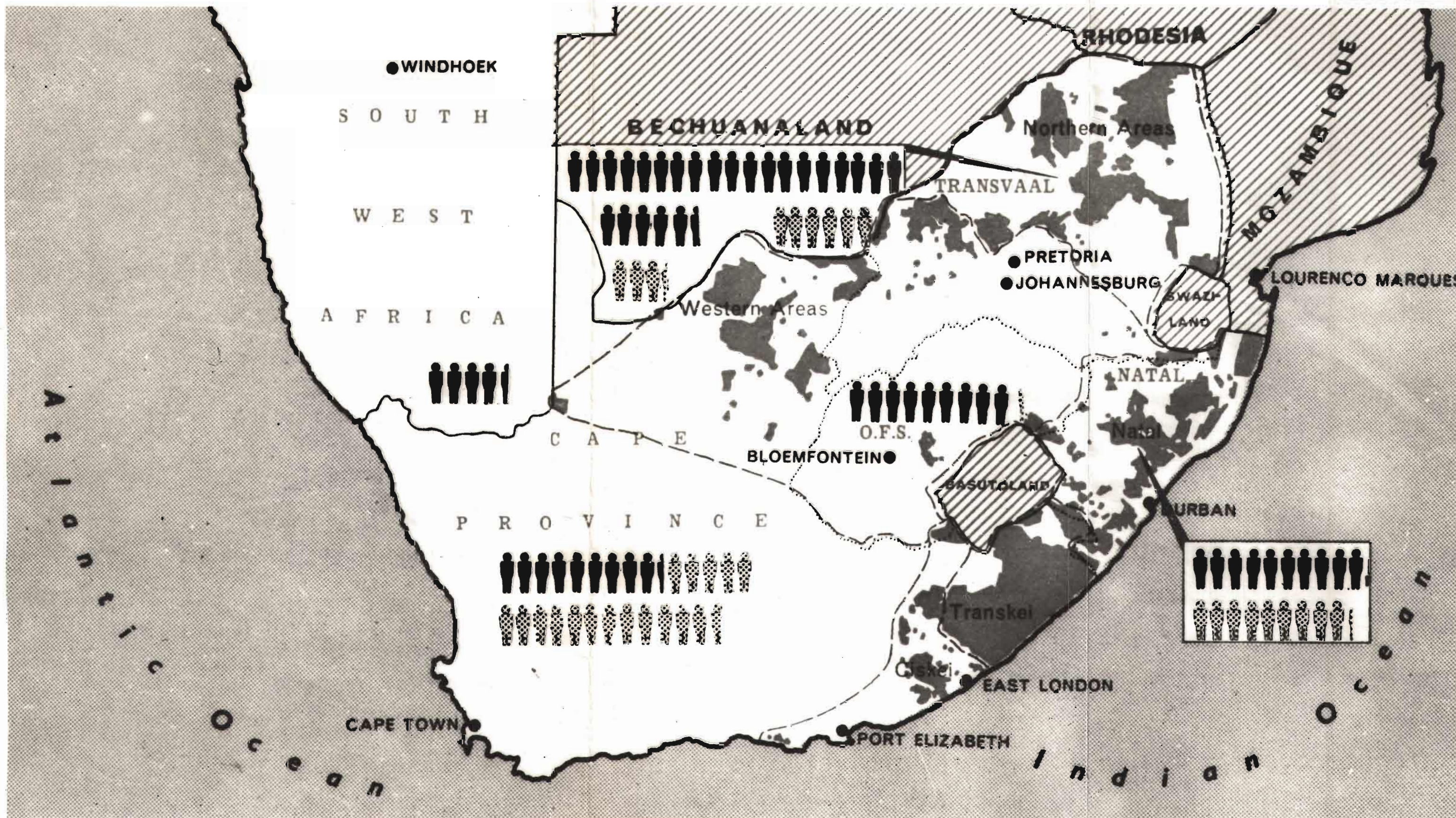


**MOONTLIKE
KONSOLIDERING
VAN
BANTOEGBIEDE**
(Opgeleel deur die Kommissie)
gebaseer op
ETNIESE INDELING




 Protektorate
Protectorates

**POSSIBLE
CONSOLIDATION
of
BANTU AREAS**
(Prepared by the Commission)
based on
ETHNIC GROUPING

NATIVE POPULATION IN THE UNION OF SOUTH AFRICA

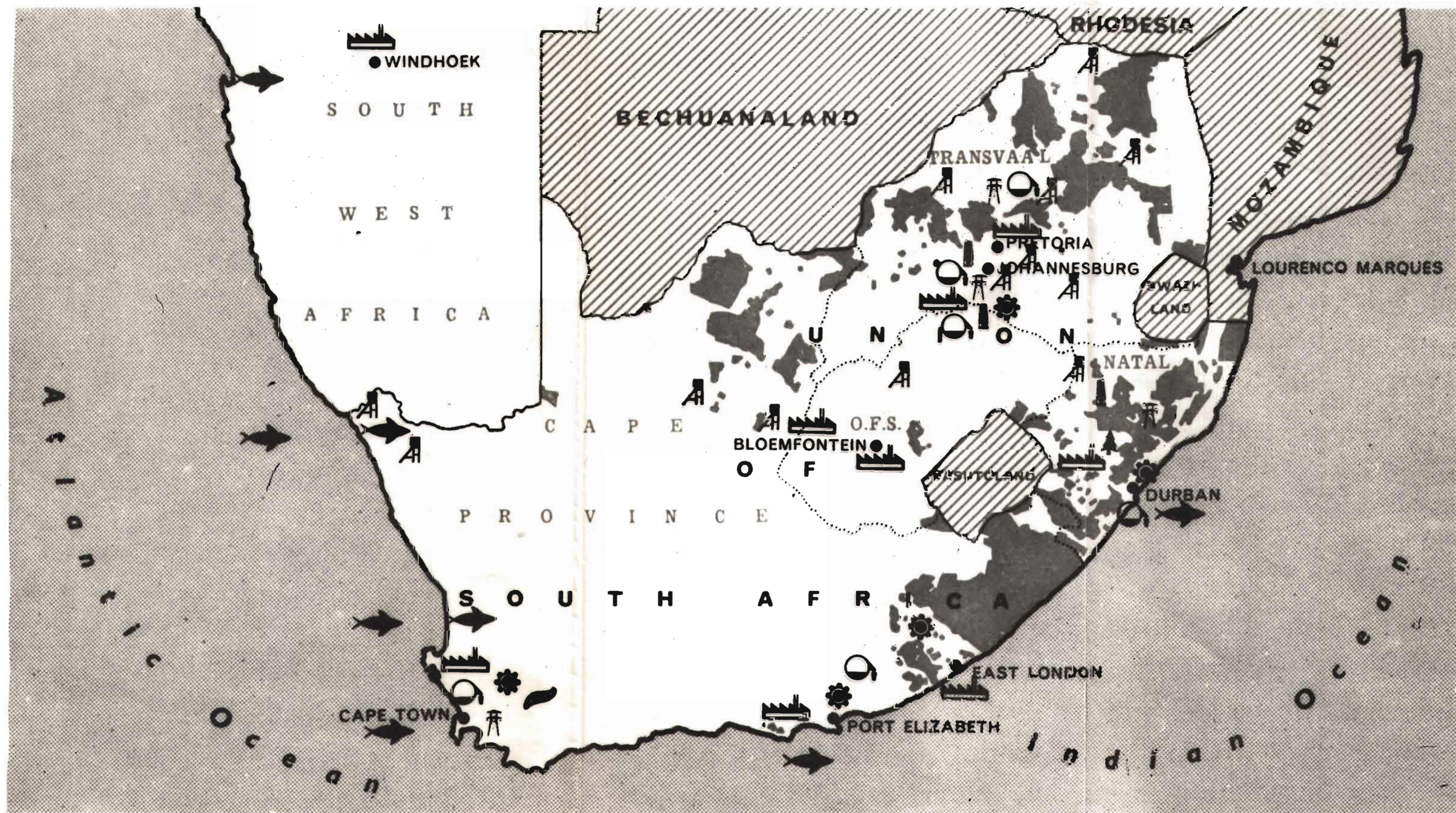


REFERENCE

 EACH SYMBOL REPRESENTS
 100,000 NATIVES
 POPULATION IN NATIVE AREAS

Natal	925,616
Transkei	1,202,197
Ciskei	264,481
Northern Areas	926,569
Western Areas	314,402








 NATIVE AREAS



INDUSTRY

IN THE

UNION OF SOUTH AFRICA

-  INDUSTRY (Engineering, Agricultural Machinery and Vehicles)
-  MINING
-  MISCELLANEOUS INDUSTRY: (Textiles, Leather goods, Cables, Pottery, Glassware, Paper manufacture, Ship repairs, Clothing, Paints, Rayon and Wines)
-  FISHING AND CANNING
-  CHEMICALS (Phosphates, Lime, Cement, Oil from coal, Oil Refining and Rubber)
-  IRON AND STEEL
-  ELECTRICITY

BENADERDE OPPERVLAKTES van die 16 GROOTSTE BANTOEBLOKKE

APPROXIMATE ARFAS of the 16 LARGEST BANTU BLOCKS




Nr. No.	Blok/Block	Grootte in miljoen morg Area in million morgen
1	Transkei	4.4
2	Olifants-Steelpoort-Blyderivier	1.4
3	Letaba-Shingwedi	1.3
4	Tugela	1.2
5	Bochum-Potgietersrus	0.8
6	Kalahari	0.8
7	Kuruman	0.7
8	Rustenburg-Pilanesberg	0.7
9	Mafeking	0.5
10	Nongoma	0.5
11	Umzimkulu-Harding	0.4
12	Taung	0.36
13	Hammanskraal	0.36
14	Ciskei	0.3
15	Maputaland	0.3
16	Premiermyn	0.2
Totaal Total		14.22

Nota: Hierdie syfers sluit die Blanke gebiede binne die blokke in

Note: These numbers include the European areas within the blocks

LIGGING van die BANTOEGEBIEDE
(Opgestel deur die Kommissie)

POSITION of the BANTU AREAS
(Prepared by the Commission)

- Protektorate  Protectorates
- Kroongrond  Crown Land
- Wildreserwe  Game Reserves

Myl 100 50 0 50 100 150 200 Miles

