

"14. Any person failing or refusing to pay any sum for which he is liable under these regulations within one month from the date on which it becomes due shall be guilty of an offence, and, upon conviction, shall be ordered by the Court to pay the amount which is found to be owing by him within such period as the order shall specify, and/or, in default of payment as ordered, shall be liable to be imprisoned with or without hard labour for a period not exceeding one month; provided that no fine or imprisonment undergone shall have the effect of cancelling the liability or barring an action for the recovery of the amount due by such person, and provided that no person shall be sentenced to a second term of imprisonment in respect of failure to pay the same debt."

The Municipality is permitted to prosecute for contravention of this Regulation and it does so. Large numbers of tenants who are in arrear with their rentals are brought before the courts and sent each year to prison for the offence that these laws have created. They are usually people who have fallen into arrear because their wages are below bread-level. Their imprisonment makes the financial problem worse and very often lack of administrative co-ordination results in the wage earner going to gaol even when the rent has been paid, because the prosecutor has not been informed and the bewildered and undefended accused does not know his rights.

It is rather a grim comment on the state of affairs that under the common law a landlord may only claim forfeiture of the lease for default of payment if the tenant is in arrear with his rent for more than two years.

Here is matter for a new Dickens. ★

Liberal Opinion

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Background to Transkei Self-government

IT IS DIFFICULT to say exactly when and why Government policy changed to "this year next year" from the "sometime, never" with which Government spokesmen met attempts, before 1961, to pin it down to an approximate date for the birth of a self-governing Transkeian state.

Even in May 1961, when a resolution of the Transkeian Territorial Authority set up a Recess Committee to "go into the implications of the granting or otherwise" of self-government, the Government was still avoiding any commitment to the most approximate date, though, after Sharpeville, "Africa Year 1960" and the East Pondoland disturbances, the resolution received a better hearing than several previous independence motions had done.

When they are Ready

After the resolution had been passed, the Government, with the co-operation of the presiding Chief of the Transkeian Territorial Authority, Chief Kaizer Matanzima, its trusted confidant and instrument in the Transkei, still successfully stalled the calling together of the Recess Committee. Self-government was kept vague as something for the future, "when the Bantu are ready for it".

Then events came in a rush. On 10th November, 1961, Chief Tutor Ndamase, heir to the Paramount Chief of West Pondoland, told the Minister of Bantu Administration at a meeting in West Pondoland, that the Transkei wanted "self-government by 1963 and complete independence soon after". On 8th December, 30 chiefs and advisers went to Pretoria to discuss Bantu Education grievances with the Minister. To their surprise, they met Dr. Verwoerd, who told them

that the Government was ready to grant their wish for self-government and advised them to draw up constitutions for the Recess Committee to consider before the Transkeian Territorial Authorities met in April.

The decision had been taken: full propaganda value had to be gained from so momentous, and probably unwilling, a move.

Local Advantage

When the announcement of "independence" came on 23rd January, the secret had been well kept, but the propaganda gains were small. The meeting called in Umtata to hear the announcement was a distinct flop, and oversea news agencies were unimpressed. Dr. Verwoerd had seen to it, however, that he stood to gain a local advantage, even if the outside world failed to react. His statement was very effective indeed as part of his reply to Sir de Villiers Graaff's no-confidence motion after the opening of Parliament. The Parliamentary opposition was thrown into a confusion from which it has not yet emerged.

Louw's Warning

Yet certainly this dramatic announcement was primarily intended to impress the outside world and this indicates the probable "when" and "why" of the self-government decision. Both were provided by Mr. Eric Louw's return from his nightmare session at the United Nations. Several of the Transkei party who went to Pretoria have privately said that they were convinced that the interview with Dr. Verwoerd and his ready agreement to grant them "self-government" were brought about by the vehemence of Mr. Louw's warning to the Cabinet. South Africa would not escape sanctions, even intervention, unless positive proof were given of the Government's genuineness in offering self-government "in their own areas" to the Africans with whom they refused to share power. Perhaps this was Mr. Louw's grim theme.

Whether the discussion on Bantu Education was a pretext for, or the real purpose of, the

Pretoria meeting, and the plan changed hurriedly, we cannot know yet. What is becoming clear is that Dr. Verwoerd had to give up his plan of holding the Transkei self-government *danegeld* in reserve for a good many more years. Outside (and perhaps inside) pressures forced him to pay it now, and he decided to make the best of it by confounding the parliamentary opposition and doubters in the Afrikaner Nationalist camp, as well as by trying to buy time from the outside world. The real interests of his black fellow-countrymen appear, as always, to have been beneath his consideration.

Hardened Opposition

He may have succeeded in his aims, despite the immediate lack of reaction outside the Republic. But he may also have seriously breached his defences, when his whole object was to strengthen them.

For instance, the disgracefully irregular conduct of the Recess Committee meeting of 31st January and 1 February, and the nature of the constitution which Chief Kaiser Matanzima put forward, allegedly with the Government's support, have hardened the opposition of the group of chiefs whose claim for the Transkei is full independence based on a non-racial, democratic constitution. What in 1961 was a disagreement among the leading chiefs, has now turned into a split. Furthermore, the estrangement of even the progressive chiefs from the outlawed political leaders of the Transkei may have been ended by the democratic line these chiefs have now taken.

Yet another Tyranny

The people of the Transkei, who have never forgiven their chiefs for allowing the Bantu Authorities system to be imposed on them without their consent, will follow those who deny the right of Matanzima and his group to impose yet another tyranny on them. That what is about to be imposed on them *is* yet another tyranny is clear from the most cursory examination of the new constitutional proposals. ★

Published by the Liberal Party of S.A., 268 Longmarket Street, Pietermaritzburg, and printed by Lincey & Watson (Pty.) Ltd., 36 Albert Road, Woodstock.