

THE GOVERNMENT

OF

SOUTH AFRICA.

VOL. I.

PUBLISHED BY

CENTRAL NEWS AGENCY, LTD., SOUTH AFRICA.

1906

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PREFACE.

It is necessary to introduce this book with some explanation of its purpose, and also of the manner of its production. The people of South Africa are learning to trace the many misfortunes that have visited them to a common source of mischief,—events which long ago divided into separate States a country naturally fitted to be one. Every day they are coming to see more clearly that nothing can avail to protect them from similar mischiefs in future years, but national union under a single sovereign government competent to speak and to act for South Africa as a whole.

The reformed and unified constitution for which this country hopes, cannot be created without regard to the state of affairs existing at the present day. The new order must be made from the materials of the old; and before a better and simpler arrangement can be evolved, the existing systems in all their diversity and with all their defects must be clearly comprehended. There are a certain number of men in each colony who have taken part in its affairs and understand them; but they must understand the administration of neighbouring colonies as well, in order to discuss any project for uniting them all under a single government.

The project of
uniting South
Africa under
one govern-
ment

necessitates a
study of existing
governments.

various persons
have combined
to advance this
study,

assisted by the
governments
and their ser-
vants.

Responsibility
for the results
and reason for
their publica-
tion.

With this idea before them a number of persons in various parts of South Africa have been working together for the last twelve months. Some have been able to contribute funds, and some their industry, while others have helped in both ways. As time went on the number of those anxious to be associated with these studies increased; but no formal organisation has existed, though a list of subscriptions, limited to a moderate amount in each case, has been kept.

Every possible facility has been afforded to the compilers of this book by the various governments in South Africa, and the civil servants, acting on their authority, have spared no pains to supply the necessary information. The authors take this opportunity of recognising an obligation too great and too general to admit of any particular acknowledgments.

The various persons who have shared in producing these volumes are not drawn from any one political school or party; and they have been joined in the work only by a common aspiration that the people of South Africa may become one. The authors do not propose in these pages to formulate a definite scheme of union, but rather to provide information which will enable the reader to discuss such schemes whenever advanced. Nor do they intend to commit those who have been associated with them to any particular view expressed in the book. Such views there are and indeed must be, seeing that

it is impossible to give a complete account of the problems of South African government without touching on several contentious points. The object of the book is attained in so far as it provokes discussion.

Such being the purpose and origin of the book, the plan upon which it has been carried out may now be stated. There are no less than eleven different areas of government in South Africa; and an account of them all in their various aspects, administrative and judicial, financial and political, would fill an encyclopædia overwhelming the reader with detail, and leaving no clear impression upon his mind. If the proposed enquiry is to effect its object, the picture must at all costs be definite, even at the sacrifice of completeness in detail. The outlines must be firmly drawn, and the draughtsmen must select what is essential, and forego much that is interesting and even important. They must aim at producing an account short enough and yet not too closely compressed to be read. With this end in view the first volume has been cleared of much tedious, but necessary detail, which has been relegated to a second volume of appendices in the form of memoranda, diagrams, tables and maps.

This book has already been issued by instalments in provisional form, so that any errors which the original draft contained might be detected and set right, and the authors are indebted for many valuable corrections which have been made at the instance

The method of compilation adopted.

The facts described in this book are subject to constant change.

of their readers. In the meantime, however, the parliaments of the four colonies, which have all been in session, have altered the laws in various ways. Many of these alterations have been embodied in the present edition; the comparative table of mining laws, for instance, has been brought up to date, so as to reflect the alterations in the Transvaal gold law. On the other hand, it would not have been possible to show the results of the changes in the estimates or revenue laws made in the course of the recent sessions, unless the publication of these volumes had been postponed for several months. At the moment of writing, indeed, the Natal Parliament has not been prorogued. Arrangements are on foot, however, to continue the supply of information initiated in these volumes in the form of a monthly magazine, which will serve to focus the work of the Closer Union societies, and will enable the statistical tables contained in the appendices to be brought up to date from time to time.

Conclusions to which the enquiry points.

In conclusion, the authors desire to state that they began this work in the belief that federation was the only form of union possible in South Africa. As, however, their enquiries into the actual facts of South African government advanced, they found themselves carried in the opposite direction. They have felt obliged, therefore, to state conclusions which have been, as it were, forced upon them in spite of preconceived ideas; but in order that the public might have before them the

necessary material for considering both sides of the question, arrangements were made through the Closer Union Society of Cape Town for publishing the five principal federal constitutions, those of the United States, of Canada, of Australia, of Germany and Switzerland, together with some comparative account of their main provisions. The work was undertaken by Mr. B. K. Long, M.L.A., Barrister-at-Law, and has now been published under the title of "The Framework of Union." These two books should be read together, by those who wish to decide for themselves whether a unitary or a federal constitution is a better basis for the national union of South Africa.

Some preliminary survey of the method adopted in the course of this enquiry may be helpful to the reader. The subject is divided into five parts.

In Part I. the Imperial and Colonial frontiers of South Africa are discussed, as well as the minor administrative areas into which the larger colonies are divided. The form of government at present existing in each colony or protectorate is also stated. To illustrate this part there is attached to the second volume a map of British South Africa, specially prepared through the courtesy of the Transvaal Government by the Surveyor-General of the Transvaal, assisted by the Surveyors-General of the other colonies.

In Part II. are described the various primary functions which governments in

Plan of the enquiry.

Map of British South Africa.

Functions of government.

South Africa have been led, by force of circumstances, to undertake, as distinguished from other functions which are left to private enterprise. Beginning with the necessary functions of government, those which no one but a government can undertake, the enquiry proceeds to the functions which are not so essential, and finally to those which though handled by the State in South Africa are left in some countries entirely to private enterprise.

Organisation of government services.

Part III. deals with secondary functions—those duties which government must undertake as a means to the performance of its primary functions. The ordering of finance, of the public service, and of local authorities are the more important of these secondary functions. A description is given of the course which the process of reconstruction would follow in the event of federation or unification respectively. The process in the case of federation is illustrated by an historical account courteously prepared by Mr. R. R. Garran, one of the legal advisers of the Commonwealth Government of Australia, and one of the authors of the standard legal work on Commonwealth law. This narrative shows how, when the Australian States had completed the legal steps necessary to establish national unity, the unified government was actually brought into existence, and how it then proceeded to take over the duties assigned to it.

Process of centralising government in Australia described.

Part IV. shows how government reduces the selection of its functions and the formulation of its methods to statutes, the discussion of which is the chief concern of politics. Some account is given of the machinery through which government, in the performance of its functions, is rendered amenable to popular control; and the relative positions of governors, cabinets and parliaments in the constitutions are ascertained.

Nature of political control in self-governing Colonies.

Part V. The multiplicity of existing governments having now been described, it remains to determine the constitutional procedure which is necessary in order to establish a single and sovereign government for the whole country. Part V. suggests an answer to this question.

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