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The Commission commenced proceedings at 9-30 a.m.

MAJOR THOMAS and MR. JAMES PRESTON, examined.

THE CHAIRMAN: In what capacity are you here Major Thomas?— (Major Thomas) I am Chief Inspector, C.I.D. Cape Western Division.

And you Mr. Preston: (Mr. Preston) I am Head Constable, C.I.D. Cape Town.

You have a position with regard to the natives somewhat different from that of the rest of the Union in that they are cheek by jowl with the coloured population?— (Major Thomas) Yes.

our problem is different from that of most other large centres on the Union.

In what way does it affect the police?— In many ways. for instance there is no pass law here and from the point of view of the prevention of crime, the pass law assists the police greatly.

In identification?— In tracing.

The passes help to identify?— Yes.

But are they satisfactory as a means of identification?— Well if a native is wanted we go to the Pass Office and get full particulars.
particulars about the native, including his tax receipt number, and we are able to ascertain from what kraal he came and all about him.

But we have been told that there is a regular traffic in tax receipts and even in voters' registration certificates?—I cannot accept that — a regular traffic.

I may have put it too strongly, but what I mean is that they sell these things to each other?—(Mr. Preston) I have heard of cases of trafficking in passes, in tax receipts and in voters certificates mainly with a view to obtaining liquor. I am in charge of the morality branch and that is how I came across the trafficking for the purpose of obtaining liquor. It is not extensive.

It does occur?—Yes.

But the traffic in voters registration certificates might be worth while for the purpose of getting a vote?—(Major Thomas) Yes, there are a few cases under investigation how in connection with registration for voting purposes. There are three cases pending at the moment.

With regard to the sale of liquor, it strikes me as a layman, that control must be quite impossible where you have coloured people to get the liquor for the natives?—It is a very difficult problem. If the police raid premises they very often find ten to twenty natives in a room with three or four coloured people. It is necessary to prove actual physical possession of liquor before a charge can be laid. But when the police enter no one is found actually in possession and the liquor is claimed by the coloured people on the premises and as a result we cannot formulate any charge.

But in a case like that if you found natives under the influence of drink you could charge them with drunkenness?—But drunkenness is no offence in a private house; they must be actively drunk.

What is actively drunk?—Well, it is no offence to be
be drunk and incapable on private property. Say for instance that a native was found drunk tonight in a passage of a room in the premises of a coloured person, there would be no offence you could not charge that person with being drunk.

You could only charge him with getting liquor which he was not entitled to get, but you would have to find out where he got it from?— We should have to prove a sale.

MR. LUCAS: Is not a drunken man "in possession" of liquor?— Not in the eyes of the law.

DR. ROBERTS: You do not adopt the Swedish system of putting the onus on the last man he is found drunk with?— I am afraid that it would not be practicable.

There appears to be no difficulty in Sweden?— Then in respect of Kafir beer there is great trouble. It is no offence to have Kafir beer unless it contains over 2 per cent. alcohol. These natives generally bury the beer; it is quite a simple matter on the Flats to bury it in the sand. They see the police coming in the distance and although we are able to find the beer we cannot establish a charge of possession.

With regard to illicit liquor dealers, practically all are coloured here; there are very few whites engaged in the traffic, the difficulty is to obtain satisfactory traps. A sale has to be proved. We have to employ someone to make a purchase and it is very difficult to get these native traps because they are subject to being very severely dealt with by the persons concerned in the trade, and naturally natives do not like the work.

And I understand that the magistrates do not care for the system?— Well, many people do not like the trapping system, but it is the only means by which one can deal with illicit liquor dealers because a sale has to be proved.
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THE CHAIRMAN: But in any case, in view of the difficulty, you only get occasional convictions? We get many convictions.

But I understood you to say that you had great difficulty in getting satisfactory traps? Yes, we should get more convictions if we could get more satisfactory traps.

But my point is this, that you can only make an incursion at intervals into something which is going on all the time? The thing is tremendous here, there is no question about it. Therefore the fines inflicted can really be looked upon as a sort of licence? Magistrates do inflict heavy fines especially where there are previous convictions against the dealer.

Heavy fines only? Imprisonment sometimes, especially when there have been previous convictions.

But when the moral stigma of breaking the law like that has disappeared these people will look upon fines as incidental to the trade, like a farmer looks upon a hail storm? They seem to be like the storebreaker who does the same thing again as soon as he comes out of gaol. They seem to be pleased with the prospect. They are beyond redemption. (Mr. Preston) The Liquor Law as it is now has created a means of livelihood for a number of coloured people who do not like work. They can start in this business with a few dozen bottles which will bring them in a substantial profit. It costs them anything from 4/- to 6/- for a gallon. What they buy at from 7½d. to 10d. they sell at 2/6 a bottle so they have no need to do an extensive trade as you will see. It requires but a few sales to bring them a week's wages of £1 or 24/-.

I would like to know the convictions in respect of the natives and coloured people?—During 1930, taking the whole of the Cape Western Division, which includes Cape Town, Wynberg, Paarl, Worcester, Beaufort West to Oudtshoorn, and
and as far as Port Nolloth, Calvinia and Upington, the convictions for drunkenness, natives, were 665.

Mr. Lucas: Prosecutions or convictions?—Prosecutions.

Riotous behaviour; if a person is under the influence of liquor and creates a disturbance, he is charged with riotous behaviour, 136.
Possession of Native liquor 658
Possession of other liquor 736
Natives supplying liquor 48

And Coloured?—The Coloured figures? Well, Europeans selling and supplying liquor to non-Europeans, 40 males 3 females.

Dr. Roberts: Is that for the same period as the other?—Yes, 1930.
Non-Europeans selling or supplying liquor to non-Europeans, male 167, female 54.

The Chairman: Have you got the convictions for drunkenness of coloured people in the same area?—Yes, Drunkenness—White; male 1096, female 59.
Natives, males, 614, females 25;
Asiatic, males, 17, females 0.
Coloured, males 5538, females 620.

Dr. Roberts: You have no Asiatic women there?—No.

Mr. Lucas: Are those prosecutions?—Yes.

Will you give us the figures of the convictions?—Yes.
Europeans, males 1083, females, 57
Natives, males, 630, females, 25
Asiatic, males, 17, females, 0
Coloured, males 5506, females, 616.

The Chairman: About what percentage of serious crime is committed by non-Europeans?—It is difficult to give a correct estimate but about 90 per cent of the serious crime in the Cape Western Division is committed by non-Europeans and about 50 per cent is in the Cape Peninsula itself, that is from Cape Bay to Simonstown.
Can you give us the figures for other offences?—Yes.
Theft, 507, Stock Theft, 134, House-breaking, Slaughtering and Theft, 190, Assaults, common, 487, Indecent Assault, 14, Assault to Harm, that is serious assault, 213, Assault with violence, 26 resisting the police, 48, Dagga laws, 126; Native Taxation Act, 1200; Vagrancy, 40.

MR. LUCAS: Will you give us the Masters and Servants figures?—Yes.
Whites, males, 78, females, 20
Natives, males, 159, females, 22
Asiatic, male, 1, females, 0
Coloured, male, 1076, females, 206.

And then Convictions?—Yes.
Whites, males, 41, females, 12.
Natives, males, 133, females, 17.
Asiatic, male, 1, females, 0.
Coloured, males, 944, females, 180.

THE CHAIRMAN: From the total number of convictions of coloured people for selling drink, you have already given us the figure, it does not seem to be a very high figure for a thing that is as prevalent as you describe it to be?—The figures should be much higher.

In other words, you find considerable difficulty in getting at the culprits?—Yes, the position is that we are different from the Transvaal, Free State and Natal where coloured people and Asiatics cannot purchase liquor.

In Natal Asiatics may?—Yes, in bars only.

DR. ROBERTS: They are not allowed to carry it off the premises?—No. But here the coloured people have exactly the same rights as the Europeans; they can buy at least two gallons without a permit; and then having bought at one bottle store they can go to another, without a permit.

THE CHAIRMAN: In the Cape Peninsula there is this Port
Port Jackson bush which they can take advantage of, and it seems almost impossible to stop that illicit drink traffic?—We check it to some extent.

But the effect of the law is that it benefits certain people?—Yes.

And they are not the people you most wish to benefit by the changes in the law?—No.

And now to come back to the question of identification; the pass law is not in force here, and in any case the pass is not a sufficient means of identification?—Not without a thumb print. You cannot establish identification otherwise.

What about a photograph?—I am afraid that would be very expensive, and it would be very much simpler to have a thumb print.

But the thumb print is not much of an identification except to specialists in finger prints?—That is so.

It is no use to me if I want to know whether a pass belongs to a certain native? No, quite so.

But the problem of identification is quite an important one?—Yes, it assists us greatly in tracing native criminals, and furthermore it has this effect too, that we are able to deal with natives of the loafer type, the "won't works". In the Transvaal and Free State, the native obtains a pass to look for work and if he fails to get work in seven days and he goes back again, he may get a further extension, so that it amounts to this, that if a native is not in a place in a couple of months he is dealt with as a vagrant. If he is not able to produce any document at all that he had been in work or possesses a pass to look for work, he will probably be given a travelling pass to enable him to go to some other centre. The pass system would seem to be a good one so far as Cape Town is concerned for this reason, that there are too many natives here apparently. Quite a number have been sent to Johannesburg by the Chamber of Mines representative here roughly 50 to 80 a month until quite recently. With the
the pass system the native from the Transkei could not come here without a travelling pass and it would be some check on the movements of the natives throughout the country.

Do you maintain that it is undesirable to check because it means a check to the mobility of labour; it means that a man cannot go to a place where he thinks he is likely to get good employment?— Yes, if 500 natives came here tomorrow there would be little chance of their obtaining anything to do.

MR. LUCAS: That applies to whites too?— Yes.

DR. ROBERTS: Don't you think that bringing into force this artificial system has a certain lowering effect on a man's humanity?— I have thought of that, but in the interests of the honest and reliable natives, I think there is no degradation about it at all.

I do not mean degradation but that it really has the effect of lowering a man's nobility of mind and humanity to know that he is in a sort of way hunted?— Personally I think that the finger prints of every one in the country should be on record.

THE CHAIRMAN: White, black and blue?— Yes, everybody. The pass laws are made really to deal with the criminal type of native.

DR. ROBERTS: Don't you think that what one may call the psychological outlook is the biggest argument against passes?— Yes, I believe the Asiatics take great objection to putting their finger prints on their registration certificates, but it was necessary because so many were coming into the country on other Indians certificates that it was a protection to themselves as well as a protection to the State.

THE CHAIRMAN: There is such an element as looking upon a thing as inflicting a stigma upon your race?— Oh, yes, that is so.

If a poor man goes to church in shabby clothes he is ashamed of it, but the rich man does not feel ashamed even if he is
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is wearing shabby clothes. The white man would not feel any stigma in this case, but the native probably does?— I am speaking mainly from the point of view of dealing with criminals.

**You have just outside Cape Town municipal boundaries certain places where natives congregate, Windermere, Kensington, and so on, have you any trouble with them other than the trouble you have in Town?— They are a steadier type, more of the labourer type and they keep to themselves. If they get drink, well, we do not see them walking about the main streets of Cape Town, creating a disturbance and making it uncomfortable for everybody concerned.**

So really you have less trouble with them than with those in Cape Town?— I would say, yes; they are a better type.

**Round about most of the big urban areas, just outside the municipal boundaries, there is developing a slum part?— Yes.**

Outside the municipal area here on the Cape Flats there appear to be such parts, is there no danger of the development of a serious state of affairs because there is no control as regards housing, water supply and sanitation?— Yes, there is danger of the development of slum parts here.

Are they in the position at present that they are unsanitary?— There are no sanitary facilities at all. They simply go into the bush.

But in the ordinary villages in the territories there are no facilities, but the position is not unsatisfactory?— No. A lot depends upon the people themselves, and the number.

**Take these villages one after the other if you like?— Well, many of the natives in the town, when they get a day off, and desire drink, would probably go out to one of these places for the day. Quite a number of them do that, so that you get an undesirable type of native also just outside the municipal area, engaged in the illicit drink traffic.**
traffic.

Yes, that is with regard to illegal liquor, but you have that traffic all over?—Yes.

It is probably easier to do it there than in town, but it is done in town?—Yes. under

But take the conditions/which the people there live permanently, how do they compare with the conditions of the same type in town?—It is difficult to say because in town we have some terrible places.

Who would those places I have mentioned compare with say Mdabeni?—They are better in Mdabeni. (Mr.Preston) There are white people and respectable coloured people too.

Do they show possibility of becoming respectable villages?—No, I do not say that.

MR. LUCAS: What do you understand by respectable villages; you speak about respectable coloured people and whites; I suppose there are a number of/natives too?—Yes, it was never expected that these places would be brought so near to Cape Town as they have now become. The people who owned the land could get nothing for it and they encouraged people to go out there to live at a cheap rent. Our land values have gone up and the speculator wants to get rid of the natives to make them white villages; in the meantime these people have got places there, some of them have gone up and some have come down.

I want to be clear in regard to what you call a respectable village; is it because of the mixture of colour?—They are not all bad; the local people get pushed out there on account of the housing question in town. Some of them have got the idea that they prefer to live out there than live in town in a house with a number of families in it. Out there they can get a cheaper place.

Does the house belong to the land owner; has the land been sold or leased for a long period?—I think the land owner owns
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owes the buildings in the majority of cases. In some cases coloured people have purchased land but I do not think the natives have.

Do you think that the movement out there has been caused by a desire for better housing?—Yes, through their having been crowded out of the town. (Major Thomas) Then we get a type of native who much prefers to have a little hut. He would rather have that than live in the best house in Mabeni. The same type of native would rather walk along a winding footpath and go half a mile farther than live alongside his work.

DR. ROBERTS: Do these men live with native girls?—No, that is very noticeable.

I understand that is a feature of Cape Town and I wonder if it is that they cannot obtain any trade because of the coloured girls?—(Mr. Preston) I do not know of a single proper native girl who is on the streets, although there are hundreds of others. The morality law may have something to do with it of course; a white man has to be very careful not to break the law in that respect.

THE CHAIRMAN: But what about the natives?—The native men go in for coloured girls.

Why should one find no native girl prostitutes in Cape Town?—They are to be found in other towns in the Union?—(Major Thomas) There are not many native girls here in proportion to native males and there is no need for the females to solicit.

Do you mean that all who come here will get married or live with one man?—There would be no need for a native girl to solicit publicly here on account of the number of native men. Even if they were prostitutes the police would be out of touch with them. In most cases before they came here they would have friends to come to. (Mr. Preston) We are not suggesting that they are all good, but we know that they are not on the streets. The native man will associate with the
the lower class coloured woman but the native girls are different. I have been about a lot and I have never heard of native girl prostitutes here.

There is no prostitution among native women as we understand prostitution?—No.

You get them living with men without being married but not prostitution as we understand it in European countries?—What is so.

THE CHAIRMAN: The native girl does not go to one man today and to another one tomorrow?—We do not hear them complaints about that. The natives get into these small Kafir shebeens and things may happen among their own people but the prostitute we have to deal with is the one who goes out at about 7 p.m. and plies her trade if necessary to 2 a.m. We do not come up against native women doing that. When we come across a brothel or disorderly house we do not find a native girl there although we may find 15 or 16 coloured girls. I have never seen a native girl arrested yet in a brothel.
THE CHAIRMAN: What are you Mr. Peacock? - I am Head Constable C.I.D. Major Thomas instructed me to come and tell you what I knew. I have been 20 years in Cape Town and have worked among the natives generally.

You have heard the questions we have asked? - Yes.

Can you give us any further information about these areas outside the municipal boundary where these natives are living? - When I came here about 20 years ago just after the Boer War these areas did not exist. The areas were there of course but nobody lived there. The natives numbered 15,000 or thereabouts and they resided at Ndabeni location. During that period there was plenty of movement and everything was booming. At that time they had a magistrate and quite a large force of white police in the location itself. The abattoirs were not in close proximity to the location, they were in the centre of what is now Maitland, but the natives used to fetch their meat from the abattoirs just as they do now.

How far away was that from Ndabeni? - About a mile.

It was under Government control then but from my own knowledge of it there was not much control and quite a large number of them lived there rent free. They practically came and went as they pleased. There was no fencing or anything like that round it. Some paid rent, but the majority did not.

Kensington
As time went on the areas like Dimgatow, Welcome Estate, West London, Crawford and others gradually opened up. White people lived there as well. The ground belonged to one or two syndicates. The area is covered mostly with Port Jackson. Portions of the land were sold off, a lot of it to coloured persons on the hire-purchase system. Of late years as soon
soon as the municipality practically took control of the locations the natives did not like the number of regulations that were imposed upon them so to speak. They were too strict with them; I gathered that myself, and they gradually went out.

The men had a pass for 14 days to enable them to look for work and as soon as the 14 days expired they were entitled to get an extension, but generally speaking they did not. In order to avoid the possibility of being sent back to the territories they left the locations and drifted to the Flats. At a rough estimate there must be between four or five thousand. On the average they pay 5/- for a room; about ten occupy a room and only one pays and brings in the others. They live more or less in the way they have been accustomed to in their homes. They cook their own food in a pot and sleep on the floor round a fire.

THE CHAIRMAN: Do they maintain the same degree of cleanliness?—No, these shacks are mainly made of paraffin tins, old bags, etc. and that is quite impossible.

Those who have their own homes there, do they generally keep them clean?—In a few cases, but that is, so to speak, nearer Cape Town itself. I am speaking now of those who live far out, outside the boundaries of Cape Town in most cases. These shacks, in plain English, are lousy, and if you chance to go into one of these places, you come out verminous with fleas and that sort of thing. It is quite impossible for them to keep them clean.

DR. ROBERTS: And they cannot burn them as they would a hut?—No. With a native hut the smoke in itself is a fumigation, and the mud floors and rounded corners are a mitigation but it is not so with these places. The ground on which these people live, in the majority of cases, belongs to coloured people and
and they sub-let it. A coloured man buys an acre of ground on the hire-purchase system and he says "You can make a hut in that corner". He charges so much rent, and the same with another in another corner and so on. They make these huts of all sorts of material and the coloured people are living among them, in close proximity to a number of natives.

I know from what Major Thomas and Mr Preston told us that there is a good deal of illicit liquor traffic going on? Yes, what they said in that connection is quite correct. We have very great difficulty in knowing how to deal with these people. They get coloured people to procure drink and they take it out to these places. If we raid them there is always one coloured man who claims the liquor as his. That is always arranged and you can never get them unless with the help of a trap and even then it is exceedingly difficult. It is almost impossible to get near them without their knowing you are approaching. That is one of the disadvantages so far as the liquor laws are concerned. The rent they pay is in most cases higher than they would pay in Langa location if they lived there.

SENATOR VAN NIEKERK: How can the rent be higher than 5/- a room? But they have to get their things there.

But they do not pay 5/- each? But the cost of living is higher taking into consideration the fact that they are much farther away from the town and so on. In most cases these places are served by buses. There is a train service but in most cases the natives use the bus.

DR. ROBERTS: But it is not cheaper? It is very expeditious: the bus is on the spot. Personally I feel sure that if in the locations there were rough native huts built for the lower class of kraal native, they would be occupied by them without any trouble whatever. They would prefer to occupy them than
than to live where they are now living. From talk I have heard amongst them on many occasions I have gathered that it is not the rent so much which crowded out many of them but the class of accommodation.

They do not like the bunk idea and the central communal kitchen business, etc. What they want is a native hut and to live on a scale such as they have been accustomed to. Of course there are two classes of natives to be considered; naturally one form of house will not suit both classes, but I consider myself should that there must be native huts on the same lines as at Kingwilliamstown and other parts of the country for the kreal natives, and houses with four or five rooms if necessary for those who desire that. There is plenty of ground at Langa.

THE CHAIRMAN: You suggest more differentiation in the type of housing supplied?—Yes. Let those who like the communal kitchen idea remain exactly as they are now, what are known as married quarters, at Langa.

DR ROBERTS: Is there not a growing feeling even amongst Europeans towards the rondavel as being hygienic and comfortable? I know a magistrate who has lived in one for years?—Not so much down here.

SENATOR VAN NIEKERK: What about sanitation?—On the Flats there is practically no sanitation. The practice is to put a pail in the ground with a stick across it and then to fill in and move to another place. Water they fetch from a distance; they generally fetch it in a barrel on a donkey cart. In some cases they use cattle or mules.

MAJOR ANDERSON: Do they have to pay for the water?—Yes.

What is the usual price?—If there is a drought 3d. a paraffin tin, otherwise 1d. a paraffin tin.

THE CHAIRMAN: Where do they get the water from?—In some
some places they have municipal water laid on and these people sell it. There are stand pipes on the road in some places and they can buy water from the Municipality.

The Cape Town Municipality? — Yes. But most of it is bought from the farmers who have the municipal water laid on. They have pipes and retail the water to these people.

**MAJOR ANDERSON:** Have you any idea of the total number of natives living under these conditions? — I should say there are between four and five thousand living right through the Flats. Of course when I say the Flats, that is rather a large area; it must extend roughly about ten miles by five and there are people scattered over the whole area. A large number of these natives are employed as dairy boys and that sort of thing.

They go to and fro? — Yes, but a large number are not employed at all. There may be anything from 500 to a thousand, who do not do any work at all.

How are they living? — Well, we know in our own minds how they manage but it would not perhaps be fair to say. Probably half of them are criminals and the others live out of coloured men who themselves are criminals. These coloured men bring stuff for the natives to dispose of for them. They are receivers.

Then there is a fair sprinkling of educated natives who live on the others in various ways, for instance by teaching them how to write their names on voters certificates and so on. That is quite a lucrative matter for some of them. They teach their pupils how to write their names, that is, to make the letters, though they haven't the faintest idea of what the letters are.

**BR. ROBERTS:** But under the new regulations that is impossible? — Yes.

So that opportunity is gone? — Yes, but still they will
will teach something.

To sign a cheque perhaps?—Yes. And many live in different ways by frauds on their mates and so on, the less educated ones. It is quite a common thing for a fairly educated native to promise another native, if he will pay 10/-, to get him a job. Quite a number of them have been arrested in connection with this serious crime and at times have been convicted. It is always difficult to get the necessary evidence.

MAJOR ANDERSON: What are the health conditions: are they very bad?—That is something I cannot speak of with any certainty. I have seen numbers of them sick at different times, but I do not know from what they were suffering.

SENATOR VAN NIEKERK: Do you think they are developing into an undesirable class?—Yes, they certainly are. They are deteriorating the coloured and white people in those vicinities in which they are scattered and they are themselves becoming deteriorated.

These seem to be hunting grounds for the coloured men criminals inclined to go to those areas?—Yes, they will eventually become slum areas. As far as the natives are concerned they cannot get their own native drink, their Kafir beer as it is known in the territories, and they brew down here what is called danti from yeast obtained from the breweries. That is diluted with all sorts of different concoctions such as methylated spirit to give it a bite.

DR. ROBERTS: I thought they were not allowed to have yeast?—But they get it from the breweries through a coloured person. The coloured man is the go-between all the time. They can get it. It is the same with liquor. Not being able to get their beer they soon find out that it is easy to get European liquor and they get on to that. As soon as they get onto wine they are not natives any more practically. It has a most deleterious effect
effect on the general surroundings and everything else; on everybody who comes in contact with them. It would be very much better if they could have their own beer.

At N shareholders they have a rule whereby a permit may be issued to permit a native to brew a certain number of gallons per week for his home consumption, but quite frequently these people brew a few gallons too much; they are caught in possession and convicted; that person's permit is then suspended for three months. Within the three months he wants native beer again and gets convicted again. He is suspended again and does not get another permit.

There are no permits in Langa yet but to my own knowledge there is more native beer in Langa than at N shareholders. The Dubben system would be a good idea to put into practice down here in the location. I am of the opinion that if the natives could get their beer they would not have the longing for European's liquor which they now have.
THE CHAIRMAN: You are Assistant Native Commissioner?—Yes, you have had I think a certain amount of experience not only with natives here but in other parts of the country?—Yes.

Can you tell us what was your official experience in dealing with the natives?—I have been over twenty years on the Rand, and I had a year or so in the country districts of the Transvaal. I have been here just over five years.

In carrying out native administration here as compared with the Rand, what is the chief difference which you noticed?—When one is talking of dealing with natives, I think the majority of those who deal with them do not look upon them as a small minority but as a mass, so that in a place like the Transvaal, and to a smaller extent, in Natal, it is very much easier to deal with illiterate men, because after all they are then more like children and require to be looked after. You have had some native witnesses before you and one can quite imagine that they are well able to look after themselves.

But I suppose about 55 per cent of the natives in South Africa are still under tribal conditions and cannot look after themselves. In the Transvaal particularly you can imagine when you take into account that there are on the mines about 250,000 what the position would be if they were uncontrolled and not protected against themselves. There is nobody harder on a native than another native.

When you speak of protection what have you in mind?—An efficient system of registration. The system here is by no means effective; it is not a system. You have what you may term a kraal native who is engaged by an employer.
I think that a contract should be registered and if necessary the rate of pay so that if there is any complaint of non-payment of wages or being discharged without notice and so on, a Native Affairs official or even the magistrate dealing with the case would have prima facie evidence of a contract. They have no trouble in Johannesburg about these things. I the native says that he was engaged at so much, the Native and office has got a contract to prove that, the employer has got to prove that he paid the native that particular wage or given him the requisite notice. It protects the native.

The system is not quite as objectionable as it was before. They ask for a copy of the contract. In the old days they had nothing. Now the employer has the original and the native has a copy and there is a copy filed in the Office. It is not a pass. It does not enable him to move about; it is just a copy of his contract. They have nothing like that down here. Under the registration system his name is entered and the employer's name and address. If a native says that he has not been paid his wages we cannot corroborate his evidence; you rarely find witnesses whereas if you have documentary proof the native is protected.

You have difficulty here in not having documentary proof of contract? Yes. In the Transvaal of course they issue will the registration certificate which is for the better type of native, the native who is doing his own work probably and does not require to be registered. He has got exemption from the ordinary registration. In a way this is a sort of minor certificate but you have a complete record and can in some degree control influx. If you go to Johannesburg they can probably tell you how many natives were looking for work yesterday. But I do not think they register all the natives here.
Do you mean that because the native cannot be held up for not having a pass he does not really worry to go and register?— That is so.

MR. LUCAS: Or to register a contract?— There is no contract.

To register the fact that he is employed?— No. They do not carry anything. Police assistance was asked for when these regulations came in at first but the police said they could do nothing. A constable would speak to a native and ask him if he was working. The native would say he was working for "Mr. Jones" at Sea Point, and when the constable took him out there, he would say he had been working there but had now got a job with "Mr. Smith" at Muizenburg. The police had no time to follow these things up.

The natives complain that when they get work they must go out to Langa to be registered there; it appears they could also get registered in town?— I know that complaint and I think it is a reasonable one. I can understand the Municipality requiring new arrivals to go to Langa to get their first permit. Then they could register the man as a new arrival, but I think it is a bit unreasonable to expect that every time a man is discharged by one employer and gets a job with another that he should have to go out to Langa to get another permit.

Mr. Cook explained that there were registering offices in town?— But before a native can be registered by the employer, the native must have a permit to look for work.

That is the thing they complain of, it is not the registration of the contract?— No. When he has got his permit to look for work the employer sends him in to register. That would be one of the benefits if he had a copy of the contract.
As it is the native has got nothing at all except the permit that he is seeking work.

SENATOR VAN NIEKERK. What does registration mean?—I do not know: it is only half a system.

THE CHAIRMAN: If the native is not registered is there any penalty?—No, the onus is on the employer to register the native.

But if a native goes to look for work and has not got the permit to seek work?—Then it would be an offence for not getting the six-days slip to seek work.

But what registration is it that he does not go in for: you said that not more than half the natives registered; do you mean the permit to seek work?—Let me explain. The native comes here and gets a permit to seek work. He has probably already found employment. He may have found some work on his way to Langa. But the employer may not employ him until he has got a permit to seek work. He goes to Langa and gets his permit, and when he goes back to his employer everything is in order; the employer may register him. The employer then takes him or sends him with a note and the fee to the registering office. They get the native’s name and find out whether he is living in an authorised place. If he is a domestic servant and the employer wants to keep him on his own premises the registering officer would give him a temporary document, and one of the inspectors would go round and see if the premises were suitable; then the native would be given an exemption certificate.

The complaint would arise after this registration. Assuming that he is discharged from his employment; he must go to Langa to get another permit. That takes him nearly the whole day and by the time he gets back his prospective employer may have got some other native who has happened
along with a permit; he takes his because he cannot wait for the other native. If the register was at our office permits could be issued to natives from there and it would remove what I feel is a reasonable objection of the native.

Mr. LUCAS:
Are the permits to look for work taken up regularly by all natives?— Supposed to be.

Is that observed?— I think that the fact that Langa is not full is proof that the natives do not, otherwise they would be living at Langa.

next
Take the stage; supposing a native has got work, is the law about the registration of the engagement to work fairly regularly observed?— It is improving every week. You can notice an improvement in this way, with employers who have been registering for the last two or three years you do not worry about them; they send the natives in, and the Municipality is gradually roping in the new employers so that they will know their duty afterwards.

Peninsular
The Cape Province is unique; it is different from any other part of South Africa. It is an isolated spot. One cannot understand why the natives come down here. They were no doubt in the first place attracted by high wages. The public are not educated to deal with the native as a native. They simply look upon him as a non-European. They have dealt with coloured people all their lives and leave him to fend for himself. The native is left to fend in the same way. I am not referring to the few educated natives or those who are detribalised, but the great majority of a different type who want looking after.

SENATOR VAN NIEREKE: How do those living outside the municipal boundaries get their permits?— When a native comes here he has to get his permit and then he drifts out.
out there afterwards. Economic stress probably sends him out. He gets a permit to stay at Langa for a week. He goes to Cape Town to look for work but he cannot get it and as he has no money he cannot go back to Langa.

After he gets a permit to look for work is he all right?—He is supposed to stay at Langa.

But supposing he gets employment cannot he shift somewhere else?—He is supposed to stay at Langa.

But don't they go to the Flats?—Yes, that is where they have not got control. They have not got a check.

MAJOR ANDERSON: Cannot a native go to live on the outskirts, on the Flats, if he wants to?—He is not supposed to do so, but he does.

Are there no means of checking it?—In Johannesburg you have an elaborate card system. I think that is run in conjunction with the native tax at the same time.

With regard to the point raised by Senator van Niekerk they should have a means of connecting up the permit that is issued to the native when he arrives. Say he is issued with permit No. 1 and his registered say No. 1000 there should be some means of connecting up that permit with that native so that you would know whether or not he was living in Langa.

THE CHAIRMAN: As far as I understand it the law makes it essential for the employer to get a certificate that the native is registered to look for work?—Not registered to look for work; he has got a permit to look for work.

And when he finds work he has to live at an approved place?—The employer does not worry where he lives.

But the official?—The Municipality, yes.

The employer has to get a note from the municipality that the man is living in an approved place?—Yes.
What prevents that man from going to another place the day after?—That is just why the Municipality insist upon his going to Langa.

Is there anything to prevent him going to another place the day after?—No, that is what they do.

Let us take the case of a native who is a voter and lives in one of those "palatial" places we saw last night?—But he is exempt from the regulations.

The Municipality does not need to satisfy itself that he lives in an approved place?—No.

He can live where he likes?—Yes, he does not even have to register.

The other native must live under controlled conditions?—Yes, and that is why the Municipality insists upon him going to Langa every time he gets a permit to look for work so that they can find out where he is living.

He can be given leave to live on his employers premises?—Yes.

And it is difficult for him to leave his employer's service?—Yes, if he leaves the employer must return the certificate.

And to avoid these regulations he goes somewhere outside the municipal area?—Yes.

Is there a penalty for not registering?—Yes, but it is not on the native.

Do the authorities prosecute?—Yes, it is the duty of the Municipality to prosecute the employer for not registering a native.

Are there any other points you would like to bring to our notice?—There are one or two. There is for instance the question of labola and Christian marriages. There are many natives who live together and intend to get married but labola is the great consideration with them even in a
a Christian marriage; I mean among detribalised natives and those intending to be detribalised. Mr. Lucas wanted to know why natives came down here to work. There were some to be brought down from the interior to work at Bellville quarries. As to why we were not keen on their coming, we reckoned that there were sufficient natives down here already particularly of the ordinary labouring type. These natives were wanted for quarry work and the contractor wanted to bring them from Johannesburg and from Natal.

It was asked why natives did not go from Natal to the Transvaal and why they chiefly went there from the Transkei. In Natal, the Free State and the Transvaal they are not supposed to issue passes to go to the Cape. The Administrator's instructions were issued some years ago because he said there was ample native labour here and there was no room for them.

Is there power under the law to enable them to do that?—Yes, in these three Provinces a native may not get a ticket at the railway station unless he has a pass.

But is there any legal power to refuse him a pass to come to the Cape?—I think so.

By the Cape do you mean the Western Province?—I mean Cape Town.

But I understand that in actual practice they take a ticket to Kimberley and then manage to get to Cape Town?—Yes.

From Kimberley the same thing does not apply, and they finish their journey?—Yes. Some of them spend all their money here and then ask to be repatriated.

I may mention too that natives are taking the places of coloured men at the whaling stations. You get a very poor type of native however who take up that work. We attest them here for work at the whaling station at Walvis Bay.
They are good workers if they can be kept away from drink. But you get a type of Zulu who has been away from his tribe for 20 years and tells you that his chief was Solomon. One can visualise the extent to which he has been detribalised.

Another point in favour of an effective registration system and having/proper contract is that without it you do not get the same continuity of service. If a man has got his contract and he has done something foolish you think twice before you discharge him because he is under contract. You may not like him the first week but after a month you may find him very satisfactory for your work and you keep him on.

We have hundreds of natives come to our office and we always want particulars of residence and place of employment. I suppose 25 per cent of them do not happen to be working at the time, and in reply to questions say that they are just doing casual employment in Cape Town. There is a lot of that in Cape Town as a matter of fact.

I think it would tend to stop the influx of natives if we made the conditions - although one does not like to say it - a little bit more restrictive and irksome because it is not to the interests of the natives to come down. It has been said that natives used to come here from the Transvaal because they could get a voter's registration certificate, or a "drink permit" as it was known. I have come across instances of officials who have met their old servants down here; in one case an officer of the Immigration Department met one who had worked for him before and when he asked this native "Why don't you come and work for me in Pretoria?" the boy replied: "I do not have to pay tax here, and there are no passes".

The natives move about a great deal. Many come here for the season and then go to Natal for the Durban season, and so on.
On the question of leadership and finance, we find that it is notorious that money is the downfall of the majority of the native leaders. Once they get money they cannot resist the opportunity of spending it for their own purposes. We have had numbers of cases, educated men, some of them ministers of religion, who have had money given to them to take home. They cannot help it. They get money and it runs through their fingers like so much water. I do not think they mean to be dishonest, but they excuse themselves under the old native idea "I won't return the money but my son will".

A suggestion has been put before you in favour of a Native Commissioner's Court. I do not think that should be necessary here in Cape Town which is an isolated spot. How would you get the necessary witnesses, and evidence, that would be required in order to deal with a particular case under native law?

I have been asked to find out whether natives were buying land at various places outside the Municipal boundary. At Elsie's River a syndicate bought about 30 plots and others are buying at Elsberg. At Welcome Estate too natives are buying land. When I was out there I must have seen 15 plots in a small area. It is rather difficult to understand why was at the natives are going out there. I know one house to get from which one had to walk half a mile through heavy sand to the bus. Then the native goes by train and by the time one gets to town it is a matter of considerable expense amounting, including payment of rent, to £4 a month. That is not taking into account food, and this man was earning £6 a month. This particular native had his house magnificently furnished.

DR. ROBERTS: On the hire system?—Yes, but the furniture had all been bought. There was a beautiful piano and the proper furniture in each of the rooms. I should imagine the
the furniture must have been worth in the vicinity of £100. I tried to find out how he had earned the money to buy such furniture but he did not want to tell. I said "Surely he has been supplementing his income in some way?" and finally I learned that before he came out to the Flats he used to sell liquor. That is how he saved money. He could not possibly have done it out of his earnings, to do so would have taken him twenty years.

Some one asked about the Cape Explosive works. They have about 900 natives there; they get medical attention, and employment there is very popular. In fact they have some rooms where they house natives who are waiting for employment; frequently they have a hundred there waiting. The natives do their own cooking and are able to buy at the company's store. They can buy at cost price. The natives are well treated there and they have no difficulty whatever.

I am informed that there is another place where the natives have recently started to buiuland, between Elsies River and Bellville. I suppose there is a natural desire for a man to have his own place and to get away from the restrictions of a location; and it certainly is going to tend to encourage settlement. Quite a large number of the natives come from the territories and remain here for some years, and they are struck off the books in the Transkei as regards tax and that sort of thing. They are then completely detribalised and the say "It is no use going home again; we have got no land". That is the one cry, that they have got no land.

THE CHAIRMAN: Why do you think that Cape Town is so popular?—They get good pay, and earn good money. I suppose chief that is really the reason. They are free, they are not worried and have no trouble. You have no trouble at all with native from the Transkei. There is very little trouble from what
what one might term the "kraal" native. With regard to the natives employed at the Cape Explosive Works very few of them have been there for a number of years. They go backward and forwards.

DR. ROBERTS: A good many went from my own district, Alice. They say that a number of them got sick with the fumes?—That I have not heard. It is really not in my district. We go out every quarter to collect the native tax.

Then there is the Cape Portland Cement Works at De Hoek where they have their own compound, and medical attention. They had about 200 British Central African natives and there have been many complaints about them being allowed to remain there. But I think that the Department some years ago gave the company permission to retain a number. They were north of latitude 22 and were not allowed to work on the mines.

THE CHAIRMAN: Where is De Hoek?—In the Piquetberg district. That as Mr. Cook pointed out is a very sore point with the natives. There are many extra Union natives including Portuguese natives, but there are not many of them.

DR. ROBERTS: How did they manage to get down here?—The authorities are supposed to be very strict but nevertheless a number have come from Rhodesia by train, and some have come down by boat. Numbers are brought down for employment and then are left stranded. I think that covers all the notes I had made.

DR. FOURIE: What proportion of the detribalised natives will pay labola?—It is difficult to say. But within the last couple of years I would put it down at about 50 cases here in the office. We try to reconcile parties who have been living together or have been intending to marry, and I cannot remember
remember a single instance in which the guardian or parent of the girl have not brought up the question of labola.

Does the father of the girl also give a dowry?—That point I have not gone into.

MR. LUCAS: Is there anything in the way of a big entertainment at a native wedding down here; I mean in connection with people of ordinary standing?—Yes, they make great preparations.

Do they spend much money?—Yes, according to their means. In complaints we have had where the contracts have not been completed, one party has probably complained that they have been put to great expense. After all, if a native spends £10 on a wedding, it is a lot of money. In the ordinary course it represents five months savings.

THE CHAIRMAN: Is there a big entertainment at funerals?—Well, I won't say, entertainment. They are very good to, and stick to each other, and they try to give their people a decent funeral. We get it in connection with the administration of estates, and you often find that the funeral expenses run from £8 or £8-10-0. to 10 guineas; although there may be only £2 in the estate but friends put up the money. In connection with an estate worth £20 I asked "Do you want this money back?" and they said that they would pay it themselves. More often than not that is the case.

In their own areas, in some cases, they kill a cow if the head of the family dies?—They cannot of course do that here.

Have they nothing in its place?—No, except that they do make a show of it.

Do they provide refreshment for people going to the funeral?—I have not attended one so I would not like to say definitely.
Someone mentioned a case of a native having to pay exorbitant interest. I came across a case the other day of a native who borrowed £4 and had to pay back 2/6 per £ per month and another case of a native who borrowed £18 and when he had paid off £19 he still owed £23.

MR. LUCAS: Could not your department take up a case like that and prosecute the lender?—It is very difficult to say that he should have sold the native’s cattle.

That is not the point; the point is that in insisting on a rate of interest like that he is breaking the law?—Yes. In this particular case we got the magistrate to take it up and he had the claim substantially reduced. A statement was submitted in which the trader charged the legal 20 per cent. The difficulty is that if you prosecute the trader he can get at the native in some other way.

It would not protect the individual native to bring up the point?—No.

But is it not worth while in the interests of the community as a whole?—Yes. Well that was one we put up to the magistrate. He did not say that any drastic action would be taken but he got the claim put in legal order and it was reduced substantially.

The same thing goes on without notice unless some measures are taken?—Yes.

After the judgment did the natives tumble to the fact that there was a legal limit?—Yes. Natives have been done by a certain type of solicitor and when they cannot get their money back have complained because we do not prosecute the solicitor. In some particular case we could have secured a conviction but the native would not have recovered his money. As it was we recovered £30 or £40. Instead of prosecuting we squeezed him and got back the money.
money for the native. The natives do not want to prosecute these traders. You can see their point. They say that the next time they go to that trader for money they will not be able to get it. They always feel that when they are away from home their families will be at the mercy of the trader.

**MAJOR ANDERSON:** Is it the practice to return offenders?—Natives discharged from gaol are sent to us and we go into each case and try to persuade the man to return home. I think it is advantageous to the native himself, say he has done six months, to get away from this area and to get back home. I don't know whether the natives know that they can ask to be sent home. I have repatriated one or two cases who should certainly be got away; men for instance who have been in gaol for indecent assault. They get away home and have a chance of recovering their self respect.

**MR. LUCAS:** But the sort of case I think Major Anderson had in mind was the hardened criminal who was sent back because you found him difficult to handle and the towns, the native who is described as a scabby sheep in a clean flock?—If he is a hardened criminal you have first to find out whether he has got a home. If you get a bad Zulu for instance there is nothing worse, but if you have a man who has been here for 20 or 25 years he probably would not find his way home if you sent him off to Zululand. And they do not want him. It is probably better for him to remain in an area where he is under a certain amount of supervision; he would be under police supervision.

In Johannesburg if you had a bad native you could keep him under control through the pass system. The police were very under keen on Section 17 of the Urban Areas Act on getting rid of their scallifwags; they pulled them up on the slightest pretext. Up there the Native Affairs Department deals with all these cases.

**MAJOR ANDERSON:** Do you make any attempt to deal with
with unemployed natives?—No, that is done by the Municipality. We do it in a few instances, but the registration under the Urban Areas Act is all done by the Municipality.

The Municipality does not bring them to you?—No.

Who would pay the unemployed native's fare back again?—We do a lot of repatriating. When I first came down here they had lost their work at the Docks and we repatriated about 500 of them. But they were back again in six months so it was like sending them home for a holiday. We repatriate now deserving cases and warn them that they must not return to this area.

(The Commission adjourned at 11-45 a.m. to JOHANNESBURG)