

F. A. W. LUCAS

NATIVE ECONOMIC COMMISSION.
NATURELLE EKONOMIESE KOMMISSIE.

Sitting at

Johannesburg,
5th May 1931.

Cooke
Talbot
Britten

MINUTES OF EVIDENCE.

(Pages *7292-7374*).

A. C. Pigby (P.P. — *all* —).

_____ (P.P. _____).

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LIST OF WITNESSES.

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Major Cooke

NATIVE ECONOMIC COMMISSION

JOHANNESBURG 5th MAY 1931 10.7 A.M.

NINETY-SIXTH PUBLIC SITTING

PRESENT:

Dr. J. E. Holloway, (Chairman),

Major R. W. Anderson,
Dr. H. C. M. Fourie,

Mr. F. A. W. Lucas, K. C.,
Dr. A. W. Roberts,

MAJOR HERBERT SUTTON COOKE'S examination continued:

MR. LUCAS: OF your staff of Natives, are any pensionable; are any of them entitled, on retirement, to pension?
Yes.

And are they on scales? - Yes.

Could you let us have the grades there sometimes, please? - Yes.

Then the figures of wages for the mines you give on page 5; where are they taken from? - They were furnished to me by the Chamber of Mines from their statistical records.

They were furnished as on the 30th June of last year? -
Yes.

On page 13, you give some details about deferred pay under the ^{Mozambique} ~~South African~~ Convention. Does the shilling per shift not apply before nine months have expired? - No.

Is there any compulsory deferred pay for these nine months? - No.

Do you know how long the Native is detained in the W.N.L.A. Compound before starting work, and how long after he has finished, before he gets home? - Very seldom as much as ten hours before he leaves the compound; he is usually sent out the same day that he arrives, but if he arrives on a

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Saturday, he remains over till the Monday; but on the Mines themselves, they do not necessarily start work at once; in some cases, particularly in connection with Portuguese Natives or Natives who are at all physically below standard, they are sometimes kept for as much as a week before they actually start work, entirely in their own physical interest. And as to the second part of your question; before he returns home, there again the labour trains leave on certain days of the week and he comes in just in time to catch those trains, except in the case where he is a hospital admission, and then he is kept as long as the necessities of his case require.

We have heard a good many complaints in different parts of the country about loafer tickets; What does the term "loafer ticket" imply? - It is a term that is practically non-existent today. It used to be very prevalent and your informants were probably thinking of ancient history. A loafer ticket is virtually issued now only where a Native fails to complete 12 inches in drilling and fails to stay at his task the prescribed time for a shift; but where a Native is on day's pay, as distinct from piece work, the principle has been laid down that there is no loafer ticket, unless he is disciplined before an inspector or a competent court.

Now could you tell us what the conditions are for admission to that home for aged and infirm at Driehoek? - In regard to the aged and infirm, they are incapable of earning a living and have no one to whom they can look for support.

And are they required to find any payment at all? - None at all; they are just the derelicts of employment.

Did you happen to see in the paper recently a statement that policemen had been standing at the gates of the Bantu Sports Club looking to find whether Natives had passes or not? -

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?- Yes. I addressed an official communication to the District Commandant of Police in regard to the matter and received his reply; the effect of his reply was that they were, on this particular occasion, examining the conditions as to certain notorious places where liquor was obtained by Natives, as it was situated a matter of some 200 yards away from the entrance to the Bantu Sports Club; that all the Natives arrested had been arrested for liquor offences and all convicted; and that, in no single instance, had a Native entering or leaving the Bantu Sports Ground been stopped or asked for his pass. That was the official reply I received.

I take it you agree it would be a very serious thing to ---- ?- I said so, most emphatically.

On the question of passes; will you tell me, is a pass necessary for Sundays -- for being out on Sundays ?- With the exception of the Mine Natives, no Native is required to carry any pass in the daytime, other than his service contract.

And what time of night ?- Up till 9 o'clock. At present, a recommendation has been made by the City Council of Johannesburg, in terms of the Urban Areas Act, only they have asked for the extension of the hour up to half past ten in Johannesburg. The East Rand, Boksburg, Benoni and Brakpan have also asked that the hour should be extended, in their case, up till 10 o'clock.

So that now you have reduced it, as far as the Rand is concerned, to the service pass, the night pass, and the permit to look for work ?- That is so.

Now, I would like to put a few questions about exemptions. Your first class is one which would exempt Natives from all disabilities imposed by differentiation laws; do you mean

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the Native Land Act, under that ?- Yes.

Everything ?- Well, no; no, I am afraid not. There is a reservation -- these matters are provided for in the Native Administration Act, and there is a reservation in that Act which is to the effect that exemptions shall not take place in respect of land and taxation and liquor.

So that, would not the effect then of this exemption be that the Native would not be able to hold land at all, either in ---- ?- No, I think it does not affect his position at all in so far as land is concerned.

Have you gone into the question of which law ought to apply in a dispute between an exempted Native and an unexempted Native? It is a case that could quite easily happen ?- I think there was a case decided in Pretoria some four or five months ago, and the ruling of the President of the Court was to the effect that a Native Court could hear a case between an exempted and an unexempted Native.

Yes; but which law would apply -- the Native law or European law ?- It is a feature that does not come much in my ambit, I am afraid.

How is this Leeuwkop Farm Colony supported ?- It is run as an institution by the Prisons Department, from State funds.

And do the inmates earn enough to keep the institution going ?- I should think so, yes; I have never examined the economic side of it, but they grow enough mealies and vegetables and that sort of thing, to supply the Johannesburg Gaol, and also, to some extent, the East Rand Prison.

MAJOR ANDERSON: Do they sell anything at all ?- No, I do not think they sell anything there; the Prisons Department does sell wood, but I do not think that goes from the Leeuwkop Farm Colony.

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Have they got a statement of account shewing the operations? - I think the business side could be disclosed quite easily; the Governor of the Gaol here is in command of it.

MR. LUCAS: Are there any other farm colonies in the country? - That is the only one that I know of.

Do you think it is an institution that should be duplicated elsewhere? - Yes; I feel very strongly in regard to that and I also think there ought to be one entirely for juveniles; as I said in my report, the difficulty of placing juveniles under conditions that are likely to reclaim them today is simply extraordinary; an institution of that description, run especially for juveniles, would be of special advantage. There certainly ought to be one for women, because, one of the difficulties of dealing with the dissolute woman now is that she will not disclose the place from which she comes, -- which is the term used in the Act -- unless there is some other means of dealing with her. When it comes to the question of giving her the alternative of going back to the place to which she belongs, or being confined to a farm colony, then she makes no bones about disclosing where she does belong to. Similarly, in regard to procedure about the Immigration Act, a woman may obviously be a Basuto or Masuto, but she will allege she comes from Ficksburg or somewhere in the Free State, and the Administration has the greatest difficulty in establishing whether she comes from this side of the Border, or the other side. If one had the opportunity of sending such a person to Leeuwkop, the matter would be very much facilitated; it would not necessarily mean her going to Leeuwkop, but the mere fact of having such a place and the administrative officer exercising a discretion which is given to him by the Act, makes the administration very much easier.

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The third point I would like to mention in regard to that is that it does not necessarily lay down in the Act that service in a farm colony should be without payment, and I would like to see what you might call a Grade 2 Farm Colony, from which people who had made good in the one, or had shewn zeal, could be transferred; this would give you a sort of intermediate transfer and give an opportunity of their earning some pay, or to which the less vicious characters could be committed and again have the disciplinary effect without the penalty of having to perform their services entirely without any remuneration.

Is that the position at Leeuwkop today, - no remuneration? - Yes, and they get nothing in the way of long service pay, as in the case of an European. The result is that when they come out they have not got a bean, they have no friends, they find difficulty in securing employment, and the stress of their position must push a very considerable number of them back into their previous methods of life.

To come back to the pass system for a moment; have you a record of the number of arrests for not having passes? - No, the police have got those; I have not got them.

MAJOR ANDERSON: Under what authority is the Leeuwkop Farm Established? - Under Section 17 of the Native Urban Areas Act.

But the administration is under the Prisons Department? - Yes.

MR. LUCAS: In respect of Alexandra, can you tell us whether the price of the land has gone up -- nearly doubled? - I think, owing very largely to the pressure of the Native Urban Areas Act, which has the effect of pushing the Natives out of the slum areas, they have shewn a greater tendency to acquire land outside the Municipal limits.

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How are the members of the local Health Committee at Alexandra elected? - It is for the whole township; there is an election every two years.

Do you not think it is advisable to have it by the ward system? - Yes, I think it probably would be more effective; but certainly, in the constitution, there ought to be the means of securing representation by the Coloured people; today, the Coloured people are merely represented by the good offices of the Master; their rights are not protected and they are in a very small minority.

Have you Coloured people living in one section, or are they scattered about? - No, there is no discrimination; they live anywhere.

Generally speaking, are the relations good between the Coloured and Native there? - Yes, they are quite reasonably good; there is very little in the way of trouble.

Do you know of the Bloemfontein system of control in the location? - By the block system?

Yes? - Yes, to some extent. I do not know it very intimately.

That seems to work very well? - Yes, I am in favour of that. There is one defect in the election system, to my mind, and that is that a man who has not paid his rentals is not allowed to vote. That is covered by most of their regulations on the Reef -- in fact, all of them. In my view, the question of whether a man has or has not paid his rent is not a matter that should be taken into consideration in deciding whether he should or should not vote. They have ample machinery under the regulations for enforcing the payment of rentals. Amongst the European community, a man is not debarred from voting because he has not paid his income tax or poll tax, and I see no reason

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for discrimination against the Native in this feature.

In connection with the Wage Act, you drew attention to the gap between the wages of the semi-skilled worker and the unskilled worker, and you seemed to suggest that the wages laid down in wages determinations, have prevented Natives from getting employment. Could you give some instances of that? - Last week, there was a case where a Native employed in the leather industry, I think, -- I am not quite sure whether it was leather or furniture; he had been employed on semi-skilled work and paid an ordinary rate -- that is, the rate for a labourer. The matter was taken up by the Labour Department and the employer had to pay £63 to bring him up to his approved rate under the determination. The Native was immediately discharged and an undertaking given to my department to pay over this amount; the first contribution of £13 was actually handed in.

Of course, it is rather difficult to draw any valid conclusion from one or two cases? - Agreed.

Have you kept in touch with Natives in the sweet-manufacturing trade on the Witwatersrand? - Not, not in personal touch. I have got an inspector whose special duty it is to examine these small industrial employers and, from time to time, I discuss matters with him to see how things are running; but I have no personal knowledge.

I take it what you are referring to here deals only with a number of individual cases? - That is so.

Do you find the same difficulty that the general public finds in distinguishing between Industrial Council agreements and wages determinations? - No, I do not think I have any difficulty.

You mentioned two trades; one was under the determination and the other was under the Industrial Council agreement? -

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?- I see.

Now, as far as the Natives on the Witwatersrand are concerned; what is your relationship to the magistrates in Johannesburg; are you in any way connected with the magistrates in Johannesburg -- officially, I mean ?- No.

In many areas, the magistrate and the Native commissioner is the same -- the positions are held by the same person; but there is nothing of that sort here ?- No; administrative matters in regard to Natives come to me.

And criminal charges against Natives ?- They all go to the magistrates courts. Civil cases are dealt with by my office.

And civil cases between Europeans and Natives ?- In the magistrate's court.

And then, what jurisdiction have you over the municipality ?- Only virtually as an inspector of locations under the Native Urban Areas Act; that is my only official authority over them; but, administratively, well I am their guide, philosopher and friend in matters affecting the Urban Areas Act.

Are you Native Commissioner for the Magisterial District ?- Of Johannesburg, yes.

There are a number of farms in that area, are there not ?- Not very many.

Do the magisterial districts of the other Reef areas come under you, too ?- As Chief Native Commissioner, yes; in each district there is a Native Commissioner, and he deals with farm aspects in those particular districts.

Has anything been done on any of these farms to arrange for an apprenticeship system for the Natives, or wages for Natives, or advances ?- Not to any appreciable extent. Some system of apprenticeship has been carried out at the Diepkloof Reformatory in Johannesburg, and a number of their youngsters have been apprenticed to farmers with fair results, -- with

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possibly 60% success.

Now, we have been told in a number of areas, particularly in Natal, of harsh and inconsiderate treatment of Natives by officials, particularly junior officials. Is there anything of that sort here on the Rand? - I would not tolerate it for a moment. Of course, you get sporadic cases of that sort by junior officials, but they are at once suitably dealt with from the disciplinary point of view.

Do you find many such cases? - Oh, there is a tendency, yes; one has to be constantly on guard to avoid that sort of thing.

Would you say there is more or less of it now than ten years ago? - Oh, I should say substantially less.

DR. ROBERTS: Do you say less? - Oh, yes, substantially less.

In ratio with the numbers, I suppose? - Yes.

MR. LUCAS: Have you been able to form any opinion as to the effect of education on producing teetotallers among the Natives? - No, I am afraid I have not.

In some areas we have been told that almost all the educated Natives are teetotallers? - I am afraid I could not subscribe to that theory from personal observation.

In a number of areas, it has been recommended to us very strongly that Natives should be allowed to brew their own beer. Would you favour that for the Rand? - No, I would not.

Why? - Mainly because it simply gives a cloak to the illegitimate brewing of beer for which there is, or would be, an enormous market, and I think it would merely augment rather than ameliorate the position in regard to illicit traffic in liquor.

Do you think there would be anything like the same demand for the illicit liquor that there is if there were no restrictions

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on the brewing of kaffer beer ?- Under the Urban Areas Act, the domestic brewing is only allowed, as the term implies, for the use of the family.

Yes: the trouble seems to come with the unattached young man ?- That is the trouble.

CHAIRMAN: When you are referring to illicit traffic, are you referring chiefly to noxious concoctions ?- Not in these circumstances, because I think if there were even domestic brewing of kaffer beer, it would help to cut the trade in these illicit concoctions, which are very harmful, but I am afraid it would lead to a tremendous amount of consumption and sale of liquor by these people who had permits to brew for their own consumption.

You think it would reduce the consumption of the noxious things ?- Yes, I think it would have that effect.

To make it worth considering from that point of view ?- Yes, I would go so far as that.

Take the sale; are we not making an offence there which the Native cannot regard as an offence ?- In regard to kaffer beer?

Yes ?- I think that is so, undoubtedly, and also it is a bit like gambling, when most of the people who are in immediate control of the Natives themselves have a large amount of sympathy with the Natives having a certain amount of kaffer beer, so long as he does not exceed the reasonable limits. That, again, reacts on administration, because it becomes a matter of degree. The Location Superintendent will often tell you that he winks at a gallon or two of kaffer beer in the hut where he thinks it is for the consumption of the family, and he only intervenes where he is of opinion it is being sold.

Bearing in mind what you said about its effect on noxious concoctions, do you not think it is worth considering

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whether, giving the Native the right to brew and sell ordinary Native beer alone might not bring about an improvement in the whole liquor situation. I am thinking of it from the point of view by which they stopped smuggling in England. If anybody can make kaffer beer, your competition will certainly make it something in which there is no excessive profit? - You would virtually make a man take out a license to sell kaffer beer and would withdraw his license if he broke the regulations; as a matter of fact, that is the method adopted by the Germans in German East Africa.

MR. LUCAS: With what success? - Quite fair success; but it was mostly in country; they were dealing with a rural population. I have no experience of its effect in a place like Dar-es-Salaam, but in the rural areas it worked quite satisfactorily.

CHAIRMAN: But there they issue a license to brew and sell? - Yes.

And was there any limitation on the number of licenses? - That I forget, but I think there was.

That would provide a lot of the advantages for the suggestion I made, namely, that it does not make it a particularly profitable thing, just in the same way as you would not dream of prosecuting anybody for the bread he made himself, because he had not a baker's license. I would like to have it criticised from the point of view of what effect it would have on the brewing of stronger concoctions. Would the position become stronger than it is today, or is there any likelihood of improvement? - Of course, one of the bedrock features of the thing is the economic position of the Native in the locations; and so long as he is economically depressed, as undoubtedly he is today, he will explore methods of increasing

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his income; and if you adopted this scheme, which might be sound in essence, of allowing Natives to sell kaffer beer, the economic duress on the location dweller will press him to find something that will attract the Native to add to his own income. I think that there is much to be said for your idea that the brewing of kaffer beer and the selling of kaffer beer might be done under some regulated system.

MAJOR ANDERSON: Similar to the European Liquor license ?- Yes.

DR. ROBERTS: How would it be to have both domestic brewing and also the Municipal sale of beer ?- I think you then weaken your administrative control. The man who was selling would allege that he was brewing for domestic purposes, and so on. I think you would have to go the whole hog or not at all.

MR. LUCAS: I do not follow that argument. Why should you weaken your control by having Municipal as well as home brewing ?- No; the proposal put to me was that you should have what you might call a licensed system of selling.

Oh, I did not understand; I am sorry. It is my mistake ?-----

CHAIRMAN: The idea that I wished to put forward was this, that you should not treat Native beer as a thing that requires any particular control at all ?- I am very much with you. Kaffer beer in itself, properly brewed and of the proper alcoholic percentage, is really a very innocuous beverage indeed.

Now, the very material point arising from that is whether any large proportion of the Natives have been weaned off that altogether and want these stronger concoctions and will, therefore, have them irrespective of whether you have kaffer beer or not. Would they go for these other things ?-

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?- I think a proportion of them would, but I do not think it would increase the proportion; I think it would probably decrease the proportion. The taste, as far as the Native people are concerned, is already developed; it is not a matter of creating an entirely new taste. So far as the British South African Native is concerned, he has already developed the taste for kaffer beer and today we are trying to cut him off what he is used to, -- which is a mistake. As regards the Portuguese Native, who comes here; a fairly large proportion of them are used to wines and even stronger drinks up there, but they all take their kaffer beer ration on the mines; not one percent of them, I should say, fail to do it; they certainly appreciate it.

So that you would consider a certain proportion of those taking skokiaan now would revert to kaffer beer if it could easily be had ?- I think so; I think the Native prefers the kaffer beer. Kaffer beer, unfortunately, if you pass anywhere where it is being made for 24 hours, if you have a nose at all you can find it. The result is, the Native cannot brew it with impunity.

So that the limitations that ^{we} would have ~~to be~~ put on kaffer beer, have merely had the effect of inculcating a worse vice ?- Yes.

I do not say kaffer beer is a vice; but looking upon it as a vice, we have inculcated a worse vice ?- Yes.

So that actually we have not solved the problem that we have set out to solve and have created a more difficult one in addition ?- I entirely agree.

MR. LUCAS: Could not some of the money that is now spent on enforcement be very profitably spent on education as to the effects of alcohol ?- Yes; I do not know that education helps a great deal.

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