

F. A. W. LUGAS

NATIVE ECONOMIC COMMISSION.  
NATURELLE EKONOMIESE KOMMISSIE.

Sitting at

Cape Town

April 29<sup>th</sup> - 31.

Major Thomas C.S.D.

Percock C.S.D.

Tandey A.N.C.

MINUTES OF EVIDENCE.

(Pages 112-129).

H. Walker (PP. all) )

..... (PP. )

Official  
Shorthand Writers,

I N D E X.

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NATIVE ECONOMIC COMMISSION

29th April, 1931

CAPE TOWN

Dr. J.E.Holloway (Chairman)

Major R.W.Anderson, Dr. A.W.Roberts,  
Dr. H.C.M. Fourie, Senator P.W.le R. van Niekerk  
Mr. F.A.W. Lucas, K.C.  
Mr. C. Faye (Secretary)

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 t 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 now 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 imposaible 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 ina 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.

Messrs. Thomas and  
Preston, C.I.D

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 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, <sup>de aar</sup> 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? - ~~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 Camps Bay to Simonstown.

Can you give us the figures for other offences?— Yes.  
Theft, 507, Stock Theft, 124, House-breaking, Store-breaking 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, 130.

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 get-  
ting 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<sup>now</sup> 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 60 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

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.

XXXXXXXX

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 drunk, 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~~ have that traffic all over?— Yes.

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

But take the conditions/<sup>under</sup>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.

<sup>How</sup> Who would those places I have mentioned compare with say Ndabeni?— They are better in <sup>?</sup> Ndabeni. (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/<sup>respectable</sup>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

owns 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 Ndabeni. The same type of native would rather walk along a winding foot-path 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? ~~Exp~~ 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 any 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.

MR. JAMES PEACOCK, examined:

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 Kingstewa, 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 Flatts. At a rough estimate there must ~~XXXXXXXXXX~~ <sup>be</sup> 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 CapeTown itself. I am speaking now for those who live far out, outside the boundaries of CapeTown in most cases. These shacks, in plain English, <sup>are</sup> ~~is~~ 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 ~~xx~~ 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 krasl native, they would be occupied by them without any trouble whatever. They would prefer to occupy them than

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