

sections 4 and 5 of the Act of 1932. A successor to an exempted site will have no right of occupation under the proviso to section 5 (1), and a second successor no right of occupation under the proviso to section 4; whereas in each case he will have a right of occupation under Section 131 A. This conflict is unsatisfactory enough, but it becomes positively dangerous when it is remembered that, whereas the prohibition under the Act of 1932 is itself statutory, the exemption under the Gold Law is not directly statutory but flows from administrative exercise of a statutory power. Thus, should the conflict ever arise in practical form, it might readily be held that statutory enactment must override mere administrative action. Such a decision would at once defeat the exemption under Section 131 A and thereby deny the rights which that exemption is intended^d to protect. This is no idle apprehension. It cannot be ruled out of account that a municipality might adopt the view we anticipate to justify refusal of a trading certificate under section 9 of the 1919 Act as inserted by the 1932 Act; and although the section provides for appeal, the courts may quite conceivably follow the same view.

^{34.}
33. We are aware that clause 5 of the draft bill provides that a certificate under Section 131 A shall for the purposes of section 9 constitute conclusive proof that occupation of the proposed business premises is lawful; although in recommending this amendment the Commission had in mind, not the point we have raised, but the necessity of preventing section 9 from being used to enforce title-deed restrictions (paragraph 53 on page 55 of Part I of their Report). But even if the proposed amendment be held to cover the point so far as the present intentions

of the Government are concerned, it will still be possible for municipalities in the future to take the view we apprehend. A case in point cannot arise until the present occupiers are succeeded by others and may not arise for many years, by which time present intentions and the Commission's Report may alike be forgotten and the governing factor will be the law as it stands.

^{35.}
34. We submit therefore that it is unwise and dangerous to leave these deficient provisos unamended. As we apprehend, it may be argued at some future date that the provisos as they stand must be taken to express the intentions of the Legislature and therefore that the Legislature deliberately imposed the limitations which the provisos contain. We have given one illustration; other embarrassing complications may arise not at present foreseen or foreseeable. There can be no objection to amendment, for if the Government are prepared to adopt the practical remedy implicit in exemption under Section 131 A, there appears to be no reason why the resulting position should not be recognised by the provisions of sections 4 and 5.

(iv) Traders in areas subject not to Gold Law prohibitions but to title-deed restrictions.

36. In paragraph 63 on page 116 of Part II of their Report the Commission refer to the position of Asiatic traders in areas not subject to Gold Law prohibitions but whose premises are situated on a lot the title-deed of which contains a restriction against coloured occupation. The Commission point out that, under the provisions of section 9 of the 1919 Act (as inserted by the 1932 Act), which forbids the issue of a certificate for trading purposes to a person whose occupation of his proposed

business premises would be unlawful, such traders "are likely to be displaced from their present trading sites." Section 9 does not apply to a trader already in possession of a certificate, but some change in the circumstances of his business may at any time make it necessary for him to apply for a fresh certificate, in which case the section will operate to evict him. Apart from section 9, it will always be open to a neighbouring standowner to move the courts to enforce the title-deed restriction.

^{37.}
~~36.~~ We have made enquiries in order to ascertain the number of Indian traders affected by this position. In Table III B on page 114 of their Report (Parts I and II) the Commission indicate three townships in which some lots are held on leases which contain no restriction against coloured occupation. Our enquiries show that in Doornfontein and New Doornfontein there are 49 Indian traders, 4 of them having removed their businesses to these townships since the Commission wrote their Report; of these 49, the occupation of 36 is subject to title-deed restrictions. In Bertrams there is none in that position, and in Richmond there is no Indian trader at all. Adopting the figures for other townships given in Table III B, there are in all 61 Indian traders in danger of eviction because of title-deed restrictions.

38. We submit that to require so many Indian traders to move will not only be a hardship; it will also be inconsistent with the Commission's work as a whole. We realise that the Commission's terms of reference, like the Act of 1932, were limited to the Gold Law prohibitions against coloured occupation; and this is no doubt the reason why the Commission have made no recommendation concerning these 61 Asiatic traders but have merely

recorded the conclusion that they will have to move from their present premises. We submit however that, although the Commission's work was confined to the Gold Law prohibitions, the position of the Indian community as a whole is clearly in question. The object of the 1932 Act and of the Commission's labours which followed therefrom may be broadly described as enforcement of the law with due regard to vested interests and adequate provision for the Indian community. We acknowledge that this object has been pursued by the Commission with liberality and fairmindedness, with the result that, so far as concerns areas to which the Gold Law prohibitions apply with which alone the Commission were concerned) only 8 Indian traders will be required to move. It will be a most unfortunate accompaniment of the Commission's work if an additional 61 Indian traders have to move simply because the illegality of their occupation flows not from the Gold Law but from restricting conditions in title-deeds.

39. Apart from this general consideration, there is also the practical effect to be considered. As the Commission observe, these 61 traders can only move to areas exempted under Section 131 A of the Gold Law. But these areas are already filled to saturation-point with Indian traders. There is no room for more; and if these 61 traders plus the 8 required to move under the Commission's proposals seek to establish themselves side by side with the traders already located in the exempted areas, we shall reach the position succinctly described in the memorandum submitted to the Commission by the Transvaal Indian Commercial Association and quoted in paragraph 15, page 69, Part I of the Commission's Report.

"It cannot be expected that Ebrahim will trade with Moosa and Moosa with Ebrahim and thus enable both to make a living. We cannot live by taking in each others' washing." Not only will these 61 traders lose the goodwill of their present businesses, but by moving to exempted areas they will create a condition of unhealthy competition in which all will suffer. We need hardly add that trade is their only occupation and that, for all practical purposes, no other avenue of employment is open to them.

^{40.}
39. We would therefore suggest that the occupation of their existing trading premises by these 61 Indian traders be exempted from the operation of the restrictive conditions in the title-deeds. We submit that the principle of interference with such conditions has already been conceded, following the Commission's recommendations, in new sub-sections 3 and 4 to Section 131 A of the Gold Law as embodied in clause 3 of the draft bill. We realise that the object of these sub-sections is to prevent exemptions under Section 131 A from being rendered nugatory, but we submit that the principle of interference is none the less established.

(v) "Contractual" title-deed restrictions.

^{41.}
40. In Chapter VII of Part I of their Report the Commission point out that the existence of restrictive conditions against coloured occupation in title-deeds threatens the policy of exemption under Section 131 A of the Gold Law. The Commission proceed to distinguish between title-deed restrictions having a statutory origin and those having a contractual origin, and confine their recommendations for meeting the danger to restrictions of statutory origin. This limited recommendation is

adopted in clause 3 of the draft bill.

^{42.}
41. The Commission admit that this "half-measure is, no doubt, open to some objection." They justify it on the following grounds :-

(a) Since these restrictions were originally contracted between lessor and lessee, legislative interference with them is unwarrantable.

(b) Although the restrictions remain operative, no neighbouring owner may think it worth while to move the courts to enforce them.

(c) The amendment of section 9 of the 1919 Act (as inserted by the 1932 Act) proposed by the Commission (and adopted in clause 5 of the draft bill) will prevent that section from being employed to enforce title-deed restrictions by refusing to grant the certificate required for trade licensing purposes.

^{43.}
42. We propose to answer these arguments in inverse order.

(c) The answer to this is provided by the Commission in paragraph 55 on page 56, Part I. Even though a trading license be granted, it will still be open to neighbouring owners to take action to enforce the restrictive conditions.

(b) We submit that this matter cannot be dealt with on a basis of hope or conjecture. The essential point is that it will be open to a neighbouring owner to take action; and if he does so, the practical results will be as stated by the Commission on page 51 of Part I of the Report.

We would also point out that, if there is any substance in this conjecture, it can only be because little importance is attached to these contractual rights. If

this is so, they are scarcely worth preserving.

(a) It is we think fair comment that solicitude for individual rights is remarkable in a document whose existence flows from legislative repression of^a whole community. Apart from that, we submit as a generally accepted principle of governance that, where the interests of the State and the interests of the individual are in conflict, the former must prevail. The policy of exemption from the Gold Law prohibitions decided upon by the Legislature in 1932 as a solution of the Asiatic problem on the Reef is as much endangered by the existence of contractual as of statutory title-deed restrictions. The Commission themselves say (para. 55 p.56 Part I) that it will "be open to owners of adjoining stands or lots to take proceedings against the owner of a stand or lot occupied by a coloured licensee for the purpose of enforcing restrictive conditions against coloured occupation." We submit that, if the policy of the Legislature is not to be endangered, it is essential to cancel the operation of these contractual restrictions. We suggest that provision should be made accordingly in the draft bill.

(vi) Asiatic ownership of fixed property and Shares or debentures.

44.
43. We would finally draw attention to the provisions of sections 2, 3 and 4 of the 1919 Act as inserted by the 1932 Act, which control the ownership of fixed property by Asiatics and Asiatic companies. (This matter has not been dealt with by the Commission). Sub-section (2) of section 2 provides that no Asiatic company shall hold any fixed property. Sub-section (3) exempts any property which on the 1st May 1930 stood registered in favour of (a) any Asiatic (b) any Asiatic company, while held by such company.

Sub-section (4) provides that no person shall hold fixed property on behalf of an Asiatic or Asiatic company. The proviso to that sub-section exempts property so held prior to the 15th May 1930, while held on behalf of the same Asiatic or Asiatic company, or on behalf of the same Asiatic's estate. Section 3 provides that whenever any private company holds any fixed property, any share in or debenture of such company in effect owned by an Asiatic or an Asiatic company shall be forfeited to the State. Section 4 safeguards existing rights to the extent of exempting shares or debentures held by an Asiatic (a) on the 1st May 1932 and not transferred by him since that date (b) by inheritance from an Asiatic who lawfully held them.

^{45.}
~~44.~~ The same general principle rules these exempting clauses. It recognises existing rights to the extent of exempting property and shares or debentures held on a certain date, but (except for the fact that under section 4 shares or debentures may be inherited by an Asiatic) only while such property or shares or debentures remain in the same hands. We submit that this limited form of exemption does not go far enough to prevent the prohibitions from operating harshly in practice. An Asiatic or an Asiatic company, whatever the need of the moment, can only sell or otherwise dispose of fixed property or of shares or debentures to Europeans; and this limitation means that a fair price cannot be obtained as would be the case in an open market. Shares or debentures in particular lose their value when restricted in movement. They would command a better price from other Asiatics than from any European (supposing that an European could be found willing to purchase shares in an Asiatic company) and a still better price from other shareholders in the same company.

46. We submit that the principle of exemption should be extended to cover fixed property and shares or debentures held on the specified dates irrespective of subsequent changes of ownership, and not confined as at present to particular ownership on those dates. The principle which we urge is that embodied in the exemption of sites; || it is the property and the shares or debentures themselves, like the sites, which we submit should be exempted, and not merely the ownership of the particular individual who held them on the date specified.

⁴⁷
~~46~~. If this principle is conceded it will cover the two following points which as the law stands may give rise to difficulties in practice :-

(a) The proviso to sub-section (4) of section 2 appears to provide, in regard to property held on behalf of an Asiatic prior to the 15th May 1930, that so long as that Asiatic lives, any European can continue to hold that property on his behalf, and also on behalf of his estate when that Asiatic dies or when his estate is sequestrated or assigned. The estate of such Asiatic must however be disposed of on his death; and presumably, in view of the general prohibition against Asiatic ownership (the proviso itself is silent on the point) such property must be sold on behalf of the estate and sold only to an European, and cannot even pass to another Asiatic by inheritance. The position will be clarified if the general principle we have urged is adopted.

(b) The provisions of section 2 relating to property and those of sections 3 and 4 relating to shares or debentures are difficult to reconcile. Assume a private company consisting of three Asiatic shareholders holding fixed property lawfully registered in the company's name

on the 1st May 1930. The property itself is protected by sub-section (3) of section 2. The shares held by the Company as a whole are presumably forfeit to the State under sub-section (1) of section 3; but the shares held by each shareholder individually are protected by Section 4. If one of the shareholders were to sell his holding to another Asiatic, even to one of the other shareholders, the shares or debentures thus sold would become forfeit to the State, but the property registered in the company's name would continue to be protected. Such a situation ought presumably to be avoided. The general principle we have put forward will cover the point by extending protection to successors in title to shares or debentures held on the 1st May 1932.

48. We would finally point out that existing rights in the matter of shares or debentures held on behalf of an Asiatic or an Asiatic company are not safeguarded by section 4 at all, and are therefore forfeit to the State under the provisions of section 3; even rights of this nature acquired before the Act of 1919 are not protected. We presume that this was an accidental omission and we request that the principle of exemption we have urged above should be applied to such shares or debentures.

Conclusion.

49. We have, we hope, made our position clear in this representation. In principle we protest and will always protest against the injustice and indignity of this array of legislative enactments, and we think that all should be repealed. But in the practical interests of our countrymen we have thought it our duty to draw attention to particular provisions of the law which may cause undue or avoidable hardship, or which may have consequences neither foreseen nor intended by the Legislature.

We regret that our representation should be so long, but we are dealing with a lengthy Report and with matters vital to our existence.

50. We would finally ask the Government to bear in mind, when considering this representation, that as a community we are without political power. If we enjoyed the franchise and could thus expect our interests to be directly represented in Parliament, it might not be necessary for us to submit petitions of this nature to the Government. But, voteless as we are, we claim that it is particularly beholden upon the Government, charged as they must be with the welfare of the population as a whole, to give the most careful attention to any representation that we may make.

We beg to remain,

Sir,

Your obedient Servants,

SOUTH AFRICAN INDIAN CONGRESS.

Dated the day of December, 1935.

Headquarters,

175, Grey Street, DURBAN.

EXTRACTS FROM EVIDENCE:

ASIATIC LAND LAWS COMMISSION.

REFERENCE PENETRATION BY INDIANS INTO EUROPEAN AREAS.

MR. M.G. NICOLSON, Town Clerk of Pretoria.

Examined by Mr. S.M. NANA: (P. 38.)

Will you say, or will I be safe in saying, that the character of the Asiatic Bazaar has improved greatly in the last few years? - Yes, I think that is true.

Substantial buildings have been erected without any security of tenure? - Yes.

(P. 54.) If an Indian were to apply for a licence today in, say, Sunnyside, or in areas which are selected areas of Europeans, what would be the policy of the Council towards that application? Would a licence be granted in those areas? - I think so.

That licences have been granted in Sunnyside? - As far as I know there is an Indian licence. I think there is an Indian tailor.

|| A tailor requires no licence? - Well, you must not ask me what the Council's attitude would be. I do not know.

Would you agree that 90 per cent of general dealers' licences issued in the Pretoria Municipality to Indians are either in the Prinsloo Street area, Church Street, and adjacent to or in an Asiatic bazaar? - I should think that that is true.

And that for purposes of trade the Indians are confined to predominantly Indian areas? - There are a certain number scattered about, but predominantly in Prinsloo Street, Church Street, and the Asiatic Bazaar. I

think/

think there are a few in Karl Street, towards Iscor.

THE CHAIRMAN: In the direction of the abattoirs? - No, in the direction of the Steelworks. I think there are half a dozen shops and they have been given licences.

MR. NANA: Taking the percentage of Indian population in Pretoria you would concede that there is a very small percentage outside these predominantly Indian areas? - Outside those areas, yes; a small percentage.

And therefore there has been no great intrusion on the part of Indians in those areas? - We are dealing with Pretoria?

Pretoria? - Yes. Of course, the argument of the ratepayers in that area is that there has been a very serious intrusion of Indians into that area, which they hold is a European area, in Prinsloo Street and Vermeulen Street.

You would not concede that an area occupied by Indians for forty years, before the end of the Boer War, should still be considered a European area? - Yes. The attitude taken up by the Council and by residents in that area is that that is a European area and that Indians should not be there.

Despite forty years of residence? - Despite forty years of residence. I am only representing that. I am an official and I am giving evidence on behalf of the Council, and the attitude they have taken up is that that is a European area, and they would like to see Indians removed entirely from that area; rightly or wrongly, just or unjust, they object to it.

MR. NANA: Taking the percentage of Indian population in Pretoria you would concede that there is a very small percentage outside these predominantly Indian areas? - Outside those areas, yes; a small percentage.

MR. CROSS: Registrar of Deeds. (P. 105 - 106.)

THE CHAIRMAN: Then, incidentally, we were shown Prinsloo Street in Pretoria. Do you happen to know, was that street at one stage the main road to the north? - It is more or less, still. It goes over Hove's Drift, towards the hospital, and ever since I have been in Pretoria that has been an Asiatic quarter, and I have been in Pretoria over 30 years.

That, of course, is not in the location? - That is so.

Has that been the position as long as you know? - As long as I have been in Pretoria. It is more aggravated now, but it was similar when I first came.

It has continued down there? - It has continued down there.

Can you suggest why it has continued? Has the area become known as the Asiatic quarter? - Yes, known as the Asiatic centre, all the native trade is concentrated round about that part a good deal.

What native trade? - The ordinary native trade, trade with natives living in this place, from Hatfield, and round about.

CR. CROESER, Bethal (P. 151.) Examined by the Chairman.

The Indians in our little dorp here inhabit a comparatively small area. They are, as you will observe from the information given to you, all in one street, with very few exceptions; and very few of these Indians live in detached houses; they have rooms at the back of shops, or in their yards. This rather leads to congestion and a certain amount of overcrowding, but the conditions are not too bad, because our inspector keeps his eye on the yards, and those are periodically inspected. The fault in this town is not all that of the Indians. It is simply a case

of "Needs must -". They, of course, are not allowed to occupy - or own their own property, and Europeans in this town are not willing to spend money on houses which they know can be let to Indians only. Therefore, the majority of the Council feel that we are not averse to the Indians owning property in this town, always provided that they are kept in perfect condition.

(P. 154.) Up to now, I am sure the Indians have acted rather nicely - put it this way, they have not asked for licences, or, they have not occupied houses in the residential quarters, or intruded in their European quarters, and as long as that state of affairs lasts we do not mind.

MR. G.J. VLOK, Town Clerk Ermelo. (P. 175.)

Examined by the Chairman:

How long have you been connected with Ermelo? - I have been here since 1914.

And from the time you came, whereabouts have the Asiatic traders' premises been situated? - The majority of them have been confined to Naude Street.

Has that always been the position, ever since you have been connected with Ermelo? - Yes, the majority of them have always been in that street.

Examined by Mr. Nana:

Most of the properties were acquired before the Act of 1932 but some of them have been acquired now, but they are all in the Indian area, are they not? - No.

What are the exceptions? - The Morgenzon Estates are not in the Indian area.

East of Joubert Street it is all Indian? - It is all Indian shops.

What is the position below Naude Street and Joubert Street? - Below Joubert Street there are many European and

Indian/

Indian shops.

They are all Indian shops? - They are merely Indian in character. They are not the same as in Naude Street.

In Joubert Street, east of de Jager Street, they are all Indian businesses. If you take Naude Street and Joubert Street east of de Jager Street, it can be included in the Indian area? - I cannot say that.

I am satisfied that any reasonable man walking along there will say it is all Indian. The Indian Mosque and the Indian school are there. The Council will recognise that. Now, Mr. Vlok, you mentioned the name of Amod. He occupies stand 25 in Joubert Street? - Yes.

He has had a shop here for the last few years? - Yes.

He used to have an Indian store in Church Street, did he not? - Yes.

And he moved from Church Street and went into the Indian quarter? - Yes.

For practical purposes the Indians did not go over to the European side of Joubert and Naude Streets? - That is so.

The Indians kept to their own areas? - Yes.

MR. J.G.R. CAIRNCROSS, Mayor of Standerton.

Examined by the Chairman. (P. 195.)

Is that a position which has existed for a long time - your recollection goes back to 1902, you say? - Yes.

Has the position been roughly the same since then? - Yes. Of course, there have been more shops erected, but the Municipality had to confine it to some extent - where there have been applications for businesses outside that area it has invariably been refused, or at any rate, restricted as much as possible by the Town Council. They must confine themselves to this area.

Examined/

Examined by Mr. Nana: (P. 202.)

And if you examine the list of traders, would you agree that the majority of them are in Market Street, south of Burger Street? - Yes.

And therefore they have kept themselves in one particular street? - Yes.

CR. W. WHELAN, Mayor of Heidelberg. (P. 221 - 222.)

Examined by the Chairman:

Are they on both sides of the main street? - Yes.

For what distance does this state of affairs exist? -
There are two blocks.

Has that state of affairs continued for a long time? - Yes, quite a long time.

How long does your experience of Heidelberg run? -
Thirty-seven years.

Has it always been like that? - More or less.

Yes, I know there may be variations, but subject to that, has that always been what you might call the Asiatic trading area? - Yes, I would say so.

Is that the main road? - It is the main road to Natal.

You say that existed even before the Boer War time, that there were these shops there? - Yes, as far as my recollection goes back they have been there.

MR. W.E. PRELLER, Town Clerk of Lydenburg. (P. 286.)

Examined by Mr. Nana and the Chairman:

MR. NANA: Indians have been trading in the lower part of Market Street since 1904? - I do not know it as far back as that.

THE CHAIRMAN: From your own knowledge you do not know? - No.

Can you say from hearsay? - I am afraid I cannot
agree/

agree or disagree.

MR. NANA: At any rate since you have come here they have kept themselves in their own part of your town? - I would not suggest that that is their own part of the town.

The Commission can see that, and satisfy itself? - I can only say this, that although they are in this area now I do remember the time when there was one store in Lombard Street apart from the others, and I do remember the time when there was only one store in another street.

Are there any more there today? - Yes.

But today they are practically all in Market Street.
Yes, practically all.

MR. G.R. SANDERS, Town Clerk of Vereeniging.

Examined by Mr. Nana: (P. 332, 334, 336.)

Do you say the European traders established themselves and opened it up, did not the Indian traders open up the area? - I say that the European traders established themselves there by virtue of their own efforts.....

After the Indian traders had opened up there? - Yes.

Have you ever been inside Ackerman's premises? - Yes.

Have you been inside White House or Dadabhay's? - Yes.

How would you describe the conditions inside the shop? - Generally speaking, quite fair.

They are not inferior to Paramount or to Ackerman's? - No, I should not think so.

... So there could have been no invasion into the European trading area; it could not be a European area, because there were no European traders left? - It appeared to me that they were all driven out.

... May I put it to you that the Indians from Railway Street came into the Main Street in the building occupied by the Victoria Land Company Ltd. At that time it was about

the best/

the best building in the town? - Yes, for shopping.

And therefore the Indians themselves moved into Main Street? - Again I must say that in 1914 they were already there.

And therefore the European trading area grew around the Indian trading area; it is so obvious? - Yes, that is the position which one must recognise, but I do not agree with your point of view. The Asiatics were there.

... I put to you once before that as far as actual history goes, the shopping area in Main Street was occupied mainly by Indians, from 1914 to a few years after that? - Yes.

The most prominent European stores are the Paramount and Ackerman's? - Yes.

And they opened up very recently? - Yes.

Therefore you can accept that the Europeans came into this area after the Indians had been established for ten or twelve years? - Yes, from that point of view. I would like to say this, and I think I did say in 1930, the European trader of good type has nothing to fear from Asiatic competition, but can always hold his own. That is my opinion.

The Indian traders do fill some public need? - Yes.

Otherwise they would not be in existence? - Yes.

MR. H.D. SCHWARTZ, Town Clerk Schweizer Reneke.

Examined by Mr. Nana. (P. 390.)

Now, if you were to study the erven occupied by Indians you would find that a number of those erven are in close proximity to each other. Take erven 139, 140, 142 - from 139 to 146, or to 147 - they are in close proximity to each other? - No, they are not, there is a whole block in between.

I am not mentioning between the two streets. The erven in the one street run from 139 to 147. 139 or rather

39, it is, is occupied by Indians and similarly you have erf 41? - Yes, and so on.

And then you have erven 44, 45, 46 and 47? - Yes.

Now in this particular street all the erven are in close proximity to each other? - Yes, with the exception of the Europeans in-between.

I am not denying that, but they are in close proximity. There is no jump from 41 to 50? - No.

MR. J.J. COETZEE, Mayor of Rustenburg.

Examined by the Chairman: (P. 414.)

Is there a recognised Indian trading quarter in Rustenburg? Are these shops we have dealt with here, generally speaking, more along Plein Street, for example? - Yes; generally speaking, with only a few exceptions - there is one at the station, that I can think of immediately, one a little more towards the centre of the town, but beyond that I think they are all more or less on the one side.

There is more or less a recognised Indian trading quarter, which has existed for a very considerable time? - Yes. The Indians have been further up the town, and they have gone back.

Examined by Mr. Nana. (P. 418.)

You said Indians are prepared to stay in one part of the town? - Yes.

You agree there is only one shop near the station? - Yes.

And one shop just near the bank? - Yes.

All the other stores are situated near the lower end of the town? - Yes.

Therefore, from a trading point of view, that has practically become the Indian quarter? - Yes.

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