

*Prison*

718.29

PREDOMINANT OFFENCES.

During the year 1939, 108,631 Europeans were convicted for what is called Predominant Offences. This was at the rate of 50.4 per 1000 Europeans; 633,179 Non Europeans or 78.7 per 1000 were convicted for Predominant Offences. But 299,133 or 30.7 per 1000 were convicted for Special crimes for Natives only, and if we included 20,037 convictions for trespass, this number is swelled to 319,170 convictions for statutory offences not crimes for other races. The rate for special crimes would rise to 39.7 per 1000 Non-Europeans.

These rates are derived from the figures extracted from the Official Year Book of the Union of South Africa, No. 21 of 1940, Chap. 1X 410 (ii) Non-Europeans.

Among Non-Europeans the predominant offences in 1939 were (taking special offences that are crimes for "Natives Only")

"Illegal possession of Native Liquor .....	77,582	
Location Regulations .....	20,635	
Masters and Servants Act .....	18,356	
Native Labour Regulations .....	25,066	
Native Pass Laws .....	101,309	
Native Taxation .....	48,668	
Native (Urban Areas) Act .....	7,517	229,133
Trespass .....	20,037	319,179"

This reduces the number of convictions for predominant offences among Non-Europeans by one-half and makes their rate per 1000 less than that of Europeans. Here then we have the beginning of our evidence to prove among other things that African criminality is more apparent than real.

SERIOUS OFFENCES/

Further, we find in the Official Year Book, quoted above, under "(iii) Prosecutions and Convictions":-

"In 1939 prosecutions for serious offences were instituted against 37,724 persons representing 4.48 per cent of the persons brought before the Courts. Of these 3,442 were Europeans, 29,423 Natives, 617 Asiatics, and 5,242 other Non-European persons. The number of Europeans tried for serious offences was equivalent to 2.61 per cent of all persons of that race brought before the Courts. The corresponding percentages in the cases of the other races were: Natives 4.62, Asiatics 3.23, and Other Non-European persons 6.89.

"The percentages of convictions in relation to persons prosecuted for serious offences were as follows: Europeans 60.81, Natives 71.69, Asiatics 3.23, Other Non-European persons 74.15, and for all races 70.58."

This again tends to confirm the view that African criminality is not as high as it is thought to be.

It is interesting to note from this statement that "the number of Natives (Africans) tried for serious offences was equivalent to 4.62 per cent of all persons of that race brought before the Courts" (Notwithstanding the fact that they enjoy special crimes for Natives Only). And the number of the "Other Non-European persons" tried was equivalent to 6.89 per cent. 2.27 per cent higher than the Africans. This again tends to show that the African who has been maligned and made South Africa's bogey criminal, although not an angel, is neither the only criminal nor perhaps the worst criminal in South Africa, notwithstanding the difficulties of language and problems of Court Interpretation; his ignorance of Court procedure; his ignorance of the powers and rights of Police in dealing with the public; all of which are influences tending to create an apparently higher criminality for him as we shall try to show.

4. Places like Evaton, which have rural tenure by reason of their proximity to urban areas become unique in South African land policy. They are bound to be overcrowded, and ultimately turn into slums. The reasons for this are not far to seek:-

(1) The drift to Evaton is the direct result of the restricted land policy of the Government, a result of land policy which has led to overcrowding and overflowing in the reserves. The land shortage has led to this drift.

(2) The land policy is directed to forcing the Africans from the land, in the interests of the goldmines and farmers in their search for cheap labour.

(3) The deplorable conditions of African farm labourers who are subject to no statutory control, have compelled the Africans to trek to such places as Evaton.

(4) The land of the Government has led to the soaring of prices in the very few places set aside for African occupation, witnessed in the fact that in Alexandria Township a vacant stand 50 x 100 costs anything from £500 to £1,000.

5. We are opposed to the expropriation of Eastonville on the grounds of human justice and equity. These people must not lose their properties, even if it means that they have to be compensated.

6. It is the short-sighted policy of the Government which nowhere allows for normal population expansion. This policy we condemn. It is a policy which is completely void of imagination and which lacks a sense of appreciation of the realities of the situation.

7. It is the declared policy of the African National Congress that all land restrictions against the Africans must be removed. While keeping to the spirit of this policy, we would like you to recommend to the Government that the people in Eastonville be allowed to remain. Should Eastonville be removed, the inhabitants will have no where to go.

LOCAL AUTHORITY. We desire that the Government should, for the purpose of improving the administration of Evaton, immediately establish a local Authority, in terms of Native Administration Act of 1927. Act no 38 Section 30. The size and the population demand such an authority, without which there is no direct connection between the authorities and the residents of Evaton.

There is a strong request by the residents of Evaton, that Evaton's boundaries should be extended for the purpose of allowing its natural expansion. A place of the size of Evaton should have open spaces for the following purposes..

- (a) Cemetery
- (b) Schools
- (c) Recreational facilities
- (d) Grazing
- (e) Pound
- (f) Other amenities which are for the purpose of any community.

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