

You should, therefore, as the President of the African Congress, fasten and firmly fix the minds of our demoralised ~~to~~ and hopeless people - the people most concerned - on the actual economic and political situation confronting them.

Come down to, and deal with plain, hard and simple ~~for~~ questions ~~of~~ which vitally affect our daily life - presently and in the future.

Avoid the practice of staging ~~some~~ spectacular but ~~usually~~ and high sounding but usually empty shows, which has been the custom of all your predecessors. Apply your self to facts and daily life problems of our people.

(2) Lastly, you should invite Mrs Baltinger to open your Congress conference. She has worked hard and honestly for us on the same lines. Give her that honour as an indication of our appreciation and admiration of her great services for our people.

I have trespassed on to your private personal and official ground. Pardon me.

B. S. M.

Mbelle



The Missionary Institution,

Healdtown,

Fort Beaufort, C.P.

26th Oct. 1941.

A. N. C.
1941

Dear Dr Khumana,

In fact I am inclined to blame the English language for if you gave a thousand pounds I would say "Thank you" but if you gave a penny I would still say "Thank you". I feel I ought to say something more than "Thank you" to you for your strife and sweat for your people and my people Africans.

Whether winning whether failing you must always know that there are Africans behind you who in fact are prepared at this period when great issues are being decided to help you.

Your telegram to the Premier and the address you once delivered at Port Elizabeth are indelibly impressed in my mind.

Though much is taken much abides.
Though the sun, the moon, and the stars
seem to be behind the dark clouds



The Missionary Institution,

Healdtown,

Fort Beaufort, C.P.

some work of noble note may yet be done.

Perhaps we may meet after a few years
and fight this our African Christian Cause

I may give you these words of encouragement

"For while the tired waves vainly breaking,
Seem here no painful inch to gain;
Far back through creeks and inlets making
Comes flooding in the main.

Yours truly,

Yours sincerely,

C. B. Herrick Mr. Ndumbe.

ABX. 411027
AFRICAN NATIONAL CONGRESS
(Western Province)

AA

THE PROVINCIAL EXECUTIVE

168 Loop Street
Cape Town C.P.
27th- Oct.-'41

Dr. A. B. Xuma M.D.
President-Genr. A.N.C.
85 Toby Street Sophiatown
Johannesburg TVL

Dear Dr. Xuma

RE: MEMBERSHIP CARDS

With reference to the above subject, and in reply to your letter of the 22nd inst. which was placed before our Executive meeting of the 26th inst, I am instructed by my Executive to thank you so much for your kind suggestion to make another application to Mr Baloyi for the Cards.

My Executive feel, however, that the purpose for which these cards are required at the beginning of the year would not be served by applying for and obtaining them at the end of the year when all preparations towards attending the Provincial and National Conferences are far advanced.

In view of this, and in view of the fact that fruitless efforts on our part had been made earlier in the year to obtain these cards when no attention was paid to our application and pleading, my Executive have decided not to apply for them at this stage until some other arrangements can be arrived at.

Find herewith attached a copy of an application for Membership Cards which was written to Mr Baloyi earlier in the year.

Yours Faithfully

Stephen Oliphant
.....
Provincial Secretary

AUSTIN O. SUTTON,

Attorney and Notary.

AUSTIN OSBORNE SUTTON.

TELEPHONE 3-2590.

ABX. 411030a

Exchange Building,

(FIRST FLOOR)

28, St. George's Street,

Cape Town,

P.O. BOX 2322

30th October, 1941.

Heath matters -
General

Dr. Xume,
Sophia Town,
Johannesburg.

Greetings,

RE: PETER TOM.

The above native informs me that he had a certificate to practise as a Native Herbalist, and that you were instrumental in helping him to get this.

I have written to the Municipality to ask them for particulars, but so far have received no reply.

He wishes to obtain a certified copy of this document. Can you advise me if you know anything of this?

Yours faithfully,

Austin O. Sutton

Austin O. Sutton.

ABX. 4110301

LOUIS E. KAPLAN & CO.

Accountants & Auditors.

LOUIS EDWARD KAPLAN, A.S.A., C.A. (S.A.)

INCORPORATED ACCOUNTANT
CHARTERED ACCOUNTANT (S.A.)

TELEGRAPHIC ADDRESS: "CAUTIOUS."

TELEPHONE 33-7639.

P.O. BOX 3825.

Century Building,

(FOURTH FLOOR).

24, Commissioner Street,

Johannesburg.

30th October, 1941.

Personal matters - business ventures

Dr. A. B. Xuma,
104 End Street,
DOORNFONTEIN,
JOHANNESBURG.

Dear Sir,

RE: ALEXANDRA UNITED BUS SERVICE LTD.
(Under Judicial Management).

As promised to you I am enclosing a copy of the Balance Sheet and Accounts for the quarter ended the 30th September, 1941, as well as the Judicial Manager's report.

Yours faithfully,

Louis E. Kaplan
JUDICIAL MANAGER.

A. N. C.

30th October, 1941.

My dear Rev. Calata,

I am very sorry that at this late date I have only to inform you that I lost the valuable document which must have cost so much in thinking and planning - the agenda of the coming conference of the African National Congress. I do hope that you have a copy.

I would have suggested that all social activities be finished on Sunday and that the reception in the form of speeches and a concert could be on Sunday evening instead of Monday night and that would give us time for valuable discussion on Monday night.

I am planning for very useful leads in these discussions besides the Presidential address. But I have not had the replies from the prospective contributors to the programme.

You will be glad to know that Mr. Sililo gladly accepted Social Welfare in Congress. Both he and Champion had applied for copies of our evidence before the Economic Commission even before I had prepared it. I am glad to say that Mr. Smit, the Chairman, stated that every point raised was most exhaustively analysed and he, therefore, could not see what more we could have done if we had been given more time.

I hope you will be able to take the copies of the evidence before the Beer Commission and the Interdepartmental Committee of Enquiry with you to Cape Town so that you could even read them to groups of leaders to let them realise the line we are taking. You could even lend out a copy overnight to groups of Thabatas and Gools so that you may weaken their opposition during the coming meetings at Bloemfontein as they will see that Congress is moving all the time.

Try to get in touch with Chief Coto and Chief Tomele and other influential men in that area and acquaint ~~them~~^{me} of any of their and other address so that if and when I have an appeal, I could send it to them.

With best regards,

Yours sincerely,

PRESIDENT-GENERAL, A.N.C.

Politics - General 30/10/41
ABX. 411030d
LOCAL BANTU WOMEN'S ASSOCIATION.

(UNDER THE AUSPICES OF THE AFRICAN NATIONAL CONGRESS SECTION).

30-10-41.

Women's
MEMORANDUM CONSTITUTING LEGITIMATE GRIEVANCES BEARING ON:
(1) LODGERS' FEES, (2) INDISCRIMINATE SALE OF HOUSES IN ARREARS
AND (3) RENTAL FEES.
ADDRESSED TO THE COMMITTEE OF ENQUIRY.

N.B. Representations on the above Memorandum were made to the ex-Mayor, C.J. Sutton and to Senator the Hon. J. Rheinaalt Jones, M.A. on the 16th November, 1940.

The Chairman and Hon. Members,

We are directed by members of the local Bantu Women's Association numbering about 1063 to submit to you, on behalf of the Location residents the following factors which vitally constitute legitimate grievances bearing on (1) Lodgers Fees, (2) Indiscriminate Sale of Houses in execution and (3) Rental Fees for your sympathetic consideration towards some measure re-adjustment in amelioration by the Executive authorities of the Government.

(1) LODGERS' FEES. We have a decidedly real grievance regarding Lodgers' fees for which we most respectfully plead, and pray and urge for their cancellation for these reasons:- (a) These fees are a direct cause of the attachment and final sale in execution of our people's homes, (b) they cause eviction of our children by reason of these children being made to pay 2/6 per capita per month and, mark you, Hon. Sirs, these children being in their own parents' homes, (c) a daughter who, after marriage and by reason of God's unavoidable Act becomes a widow and/or becomes stranded through persecution, finds it difficult to return to her parents through the imposition of this 2/6 and (d) they also constitute a great hardship on the part of lodgers, for, where these lodgers or tenants have boys, each one of these boys has 2/6 to be paid for by the house-owner who is held directly responsible for these 2/6 fees, for, in the event of their failure to pay to the house-owner these respective 2/6's, the Municipality charges them

/to

MEMORANDUM CONTD.:

to his house-owner's rents account and the whole thing boils down to the fact that through accumulation, rents soar higher and higher until the poor house-owner has either to face a debt or lose his property. Our humble submission is that these lodgers' fees are a direct contributory cause of the breaking-up of the poor natives' homes. Further, the property-owners feel with their respective lodgers and/or tenants in their divers pressing economic hardships and shortcomings at such critical times as when they have to meet Doctors' bills through illness, deaths and etc. by having to help meet these liabilities including their own stand fees and, when it comes to breaking point, they have no other alternative, but to dismiss these tenants or lodgers resulting in these owners having to meet all the arrear fees with theirs, to the Municipality.

Our next submission is that these property-owners are being discriminated against the Municipal lodgers who are not charged lodgers' fees irrespective of how many persons they may harbour in Municipal-hired houses. Another salient feature is that, unlike the property-owners, Natives in Municipal houses, when their rents have accumulated, thus constituting a debt, they are merely ejected, and, here we become at a loss to know who settles this debt, so much that we labour under the impression that it is the property-owners who have to meet this debt.

(2) SALE OF HOUSES IN ARREARS. We plead and urge upon the hon. members of the Committee of Enquiry to intercede on our behalf with the Municipality and through the Government and Parliament to discontinue this indiscriminate sale of houses built with our back-breaking and hard-earned wages which are meagre in the extreme and which fall in arrears during this critical period of War time as we feel that such an honourable step would tend to make light our obligations and enable us to concentrate on and face difficulties created by this war without any doubts, fears and anxieties

/and.

MEMORANDUM CONTD.:

and we have reason to believe that this our humble plea will not fall on deaf ears but will be reasonably acceded to. We have hundreds of poverty-stricken and aged widows who are homeless after their life and death struggle in building their own houses.

(3) RENTAL FEES. We plead, pary and urge upon you, Hon. Sirs, to collaborate with the responsible Government authorities and consider the advisability and necessity of introducing legislation for a fair reduction of accumulative rental fees charged the property-owners to a reasonable flat rate of 7/- only or a little more to cope with the present situation with a view to ease our back-breaking burden of meeting divers overcharges increased by these 2/6 fees and the penalties imposed in default through unavoidable circumstances and by reason of the Natives being a poorly-paid community, inspite of our being a valuable asset in the general labour market of this country. We are sure, Sirs, that you will grant us that a considerable number of widows who only receive wages of from 10/-, 15/- & 20/- per month are not and cannot be in a position to cope with the present rate of monthly charges imposed upon the Naive community and who stand every open chance of losing their homes as has already enumerated above. We strongly desire to press this particularly in view of increased prices of different commodities upon which we also have to meet. We are decidedly of the opinion that once a flat rate of at least 7/- per month is made, our multifarious financial disabilities ~~and~~ liabilities would, in a measure be minimised as to enable us to cope with the present order of things.

HEALTH. There is a crying need over the health question of the average Native in the location, for the Native ^{/not} can/be medically attended to unless he has the 3/6 fees. Upon this matter, we, the representatives would like to fully elaborate upon verbally at your most convenient time.

/We,

MEMORANDUM CONTD.:

We, the Chairman and Secretary respectively
beg to subscribe our names to this Memorandum,

1. (Sgd.) SARAH MORAKE,
CHAIRMAN,
2. (Sgd.) MARTHA J. MOHLAKOANA,
SECRETARY.

MANES OF REPRESENTATIVES:

1. Martha J. Mohlakoana,
 2. Emely Nkohlengwana.
-

Social Welfare - General 31/10/41

31 X 1941.

Swiss Mission, 376, VON WEILLIGH ST., PRETORIA.

Dear Dr Xuma,

ABX.411031a

Owing to the kindness of Justice Keneke, I have in hand your evidence before the Rappin Beer Commission, and I wish to tell you how deeply and sincerely I appreciated this document. It has gone deep into my own heart as I had never before realized fully some of the facts you have mentioned. You may rest assured that we are not going to be silenced by interests or "dominance" principles. I only hope that your Evidence will not be simply filed by the Commission but will be given full recognition. - It is very striking to note that most of the Public Bodies which gave evidence here in Pretoria, without any previous consultation, came before the Commission with practically the same recommendations, as theirs was similar to the ones of your evidence. Let us hope that the cumulative effect of all witnesses will bring a change in the present situation.

I very often deplore the fact that Pretoria is so far
from Johannesburg!! I would like to have the opportunity
of meeting you. But I am grateful to know that you
are now being given at least the occasion of appearing
before Government Commissioners. Let us hope that time
will come when you will be able to have your full
say in the development of the Africans in this land.
As you know there are a few people who try to be ho-
nest and to honestly speak out what they consider to
be right. But alas they are still very few indeed.

Again thanking you, and hoping to have an
opportunity of seeing you soon,

I remain

Yours very sincerely

J. B. Innes.

ABX.4110316.

MEMORANDUM SUBMITTED BY THE JOINT COMMITTEE
OF AFRICAN TRADE UNIONS, TO THE COMMITTEE
OF INQUIRY, ON THE ECONOMIC, SOCIAL, HEALTH
AND EDUCATIONAL CONDITIONS OF NATIVES.

OCTOBER 1941.

In submitting this evidence, the Joint Committee of African Trade Unions wishes to support the statement presented by the African National Congress. Although the Committee has issued questionnaires for the guidance of those who wish to give evidence, this questionnaire is limited, and does not allow of the many economic problems which the trade union movement would like to present to the Committee. A departure from the questionnaire was therefore necessary (although it is within the Committee's terms of reference) in order to discuss more fully, the question of trade unionism among the African workers.

In the absence of reliable records, it is very difficult to be precise about the exact time when the African trade union movement came into existence. The I.C.U. may be cited as the vanguard of trade unionism among the African people in South Africa, although there were many phases that did not characterise it as such. Following the I.C.U., the "Federation of African Trade Unions was founded, and was composed of trade unions operating in certain of the trades and industries of Johannesburg. This was towards the end of the first decade of the post-war period. Since then, African workers' unions have been established in most of the industrial centres of South Africa, and their activities are reflected in the Wage Board reports issued from time to time. The following are some of the African trade unions and the areas where they operate:

AFRICAN COMMERCIAL AND DISTRIBUTIVE WORKERS' UNION.	JOHANNESBURG.
AFRICAN LAUNDRY WORKERS' UNION.	"
AFRICAN BAKERY WORKERS' INDUSTRIAL UNION.	"
AFRICAN PRINTING WORKERS' UNION.	"
AFRICAN GENERAL WORKERS' UNION.	"
AFRICAN METAL WORKERS' UNION.	"
S.A. CHEMICAL WORKERS' UNION.	"
DAIRY WORKERS' UNION.	"
S.A. CLOTHING WORKERS' UNION.	"
AFRICAN BROOM AND BRUSH EMPLOYEES' UNION	"
FURNITURE, BEDDING, AND MATTRESS WORKERS' UNION.	"
BOX AND TRUNK WORKERS' UNION.	"
LIQUOR AND CATERING TRADES EMPLOYEES UNION	"

DOMESTIC/.....

DOMESTIC SERVICE LEAGUE.
 GENERAL WORKERS' UNION.
 AFRICAN COMM & DIST WORKERS' UNION.
 " " "
 " " "

JOHANNESBURG.
 PORT ELIZABETH.
 EAST LONDON.
 PIETERSBURG.
 WITBANK.
 KROONSTAD.

The main functions of the unions are to secure higher wages, and improved conditions of employment for their members. Evidence is being given to the Wage Board, Industrial Councils, and in certain cases, negotiations with employers are conducted in order to improve the conditions of work of members. That a trade union is essential for the betterment of the workers' conditions of employment is undoubted. Whether the movement has been able to achieve this objective among the African workers can be judged from a comparison between ^{wages} levels in industries where there is a trade union, and industries where there is no trade union at all. It must further be noted that in certain cases, the Department of Labour has either refused or delayed in investigating conditions of work, or the employers refused to negotiate with the workers' union, with the result that the workers have gone out on strike. A strike is a battle, and the workers resort to it, not because they like to, but an analysis of the various laws governing labour in South Africa will immediately show how the African workers are tempted to strike whenever they want improvements in their working conditions. This is a tragedy, and South Africa must sooner or later experience industrial upheavals unprecedented in its history, unless a change in the laws governing labour in the country is immediately effected. The events of recent years show that even where the workers are not organised, spontaneous strikes are taking place from time to time. The Government has always taken up the attitude that once workers broke their contracts of service by going out on strike, they are immediately arrested and sent to gaol. But, let it be understood, that very soon there will be insufficient gaols, and these restrictive laws will prove a failure. There is no sounder method of approach than the tackling of the question from its logical aspect, i.e., the repeal of restrictive laws and allow the workers complete freedom/.....

freedom in industry.

It is here that an analysis of the Industrial Conciliation Act and its effects in a number of ways on African workers must be made. The objects of the Act are "to make provision for the settlement of disputes between employers and employees by conciliation, and the registration of trade unions" etc. The Act further makes provision for the creation of industrial councils, conciliation boards, and arbitration boards. There are industrial councils operating in the principal industries of South Africa, and whenever there have been deadlocks in the councils, the Minister of Labour has appointed a Conciliation or Arbitration Board to settle the dispute. However, the definition of "employee" in the Act, has been constituted so as to exclude pass-bearing persons or African workers for that matter, who are denied all the benefits and privileges conferred by the Act. In short, it means that African workers cannot enter into legal agreements with their employers, and the law cannot be invoked to settle disputes between them and their employers by conciliation. In this memorandum, it will be shown how the exclusion of African workers from the Act, has deprived them the right to improve their conditions of employment, how industrial councils have kept down the wages of African workers, and how African workers have suffered because the law relating to the settlement of disputes by conciliation was not applicable to them.

When a trade union is registered, it is a sign that that union has qualified as a bona fide association of workers aiming at the improvement of the conditions of employment for its members. The registration of a union confers on it, the right to speak for and on behalf of its members, enter into legal agreements with employers, and to do all that is possible within the law for, and in the interests of its members. With African trade unions, no matter how well organised, they are denied these elementary rights. At times, when they are able to bring the employers to some sort of agreement, these are easily repudiated afterwards/.....

afterwards as they are not legal. This has happened in the laundry, transport, and coal trades. That industrial councils have kept down the wages of African workers goes without saying. Section 48 of the Industrial Conciliation Act empowers a council to include in an agreement, those persons who do not fall under the definition "employee" in the Act. Such persons may be represented at industrial council meetings by an officer of the Department of Labour. The councils are enjoined by the Act to take into consideration among a number of other factors, the cost of living of the workers, before making an agreement, and it is very interesting to examine whether they have kept to the spirit of the law in this regard.

In the Native Trade, Engineering Trade, Building Trade, Liquor and Catering trade, Canvas and Ropeworking Trade, Printing Trade, and the Retail Meat Trade, the minimum for labourers has remained static for a number of years, and when increased in certain cases, it was merely by pence or fractions of pence, notwithstanding the fact that the workers paid heavily in living costs. In the administration of agreements in respect of African workers the Councils have failed, and the following cases can be quoted. Before the present agreement was made in the Printing Industry, the Council had laid down a minimum wage of 30/- per week for labourers. This wage was never received by the workers, and repeated representations were made to the Council by the African Printing Workers' Union without success. Subsequently, when a new agreement was made, the princely minimum of 24/- per week was laid down for labourers. In 1938, the Industrial Council for the Wholesale Meat Trade laid down a minimum of 30/- per week for labourers, and when a fresh agreement was made, the minimum was reduced to £1 per week. The Council will not enforce the payment of these wages by the employers, and the names of two well known wholesale meat merchants can be mentioned who do not pay the wages laid down by the Council.

In contrast to the state of affairs prevailing in industries controlled by industrial councils, there is the other sphere which is controlled by Wage Determinations. It is not

claimed/.....

claimed here that the Wage Board has brought about vast improvements, for that is impossible so long as the workers are deprived the right to speak for themselves, but the wage levels and other conditions of employment in the Commercial Distributive Trade, Baking Trade, Laundry Trade, and Unskilled Work, Port Elizabeth, are sufficient indication that, given the right, the workers can and have fought well for their conditions of employment.

There is always a confusion as to where responsibility lies, and the means to be used in a dispute involving African workers and their employers. Disputes which have led to strikes are being quelled by the resort to criminal sanctions against the workers. There was the coal strike in Johannesburg, when the workers were not only arrested, but the Government permitted the use of convict labour to frustrate an industrial dispute. In the case of workers who have not struck, the law does not encourage peaceful negotiations between African workers and their employers. The right to bargain freely with one's labour power, and even to withdraw it when necessary is recognised in all progressive countries. The gaoling of workers and the refusal by the law of the country to the workers, of this right, is a direct negation of the elementary principles of democracy, that ideal for which a fight to the death is, at the moment, taking place.

Naturally, the legislature did not intend that the Industrial Conciliation Act should cover African workers as well, in view of the fact that the country had been pinned into a "civilised labour" policy. This policy has been nursed very carefully, but what have been the results? The economic position of the European workers has not improved further than what it was fifteen years ago, but the employers have gained tremendously by this policy. The fact that African workers have become industrialised, and that the severed ties with tribalism cannot now be restored goes without saying, and this new proletariat must be accorded complete industrial citizenship, so as not to suffer the economic and social depressions of a changing South Africa.

The/.....

The concluding paragraph is a summary of the foregoing evidence, and a submission of what the African trade union movement is convinced, is the only way by which they can be enabled to improve the economic and social conditions of the workers.

The trade union movement among African workers has grown without any guidance and encouragement until to-day, when it equals some of the European trade unions. These unions have not only struggled to improve their members' conditions of employment, but also against artificial barriers created by European workers and employers. The laws of the country have given the European workers an opportunity to improve their conditions of employment, and in effecting those improvements, they have not only ignored the African workers, but together with the employers have built themselves a paradise at the expense of African workers. African unions are fighting hard for the improvement of their members' conditions, but their efforts are frustrated by the Industrial Conciliation Act. It has been clearly proven that this Act has failed insofar as the African workers are concerned, and the time has come when it must be amended to include African workers as well. The African unions want recognition, and that only under the Industrial Conciliation Act. There is a form of "non statutory" recognition which the Government wanted to grant to African unions, but let it be said, that as long as that form of recognition will not afford these unions complete freedom and action in industry, the economic and social conditions of the African workers will not improve, and it is in that light that the Committee is asked to consider this question.

RECOMMENDATIONS.

1. That the Government give the trade unions of African workers the same recognition and rights as prescribed in the Industrial Conciliation Act for the trade unions of other workers.
2. The Joint Committee of African Trade Unions associates itself with the statement submitted by the African National Congress.

For the Joint Committee of African Trade Unions.

SECRETARY...*D. Gosani*...PRESENTED BY...*A. K. J.*...

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