

DR. VAN BILJON: It's only a question of a few hours.

DR. LOWEN: A few hours? Well, I shall argue that, I am most adamant on this bridge and the cost of the bridge, so leave out the necessity but tell us about the cost of the bridge. If, of course one thinks that it doesn't matter, if they can't come to town or they walk three miles, it doesn't matter, - so let us talk about the cost of the bridge, what does a bridge cost? Assuming now a bridge is necessary to make this road passable on the days when the river flows over the road, what would the bridge cost? Have you ever built bridges? --- Nee, Meneer Voorsitter.

Ever seen any estimates for bridges? --- Ja, ek het al gesien.

Well, just as a matter of interest? Or have you studied them? You are an expert on that too? --- Nee, net "a matter of interest."

Would you say you are expert enough to give us an estimate for that? --- Nee, Meneer.

You wouldn't like to talk about that at all. So the bridge you can't talk about at all? --- Nee, Meneer.

Now, people - assuming they live across the railways - they couldn't climb over the railways all the time, over the railway, could they? Did you consider, were you asked to consider a bridge across the railway? --- Nee, wat ons noem 'n level-crossing.

--- Were ---

Were you asked to consider a level crossing?

---- Ja.

Now, we have heard meanwhile, that most probably a bridge -- I don't want to put it too high -- there is a possibility, let me put it that way, that the railways will insist on a bridge to avoid these very ugly railway accidents that we have from time to time. What would a bridge of that kind cost? Any idea of that? --- Nee, Meneer Voorsitter.

Never considered that? ---- Nee.

No idea? ---- Nee.

So any figure which I would give you there would be meaningless to you? ---- Ja.

Now, the road. The road at present does not go up, of course, to the railway embankment, does it, to the railway fence? --- Nee, Meneer Voorsitter, hy gaan net tot by Bergstraat.

What would that cost to make a decent road there, what would that cost? Have you got any figures here? Have you measured the lengths? --- Ja, Meneer Voorsitter, ek het die pad daar ingesluit saam met die strate.

Well, how did you work this out? You included that? --- Ja.

Well, what is your calculation then on streets? What is your cost on streets? £625.0.0? --- Ja, £625.0.0.

And that includes the road up to the fence and

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into the township? --- Ja, Meneer Voorsitter.

Have you got the figures? How did you work that figure out? What is your figure for that? The total length of roads? --- 4,500 jaarts.

4,500 yards. Now, you see, you said in your original - in the evidence of Mr. Joubert which comes from your figures - 4,500 feet, and that costs £625.0.0? --- Meneer die Voorsitter, ek het gister daar uitgewys dat dit 'n getikte fout is, daardie.

It was £625.0.0. then for the cost of 4,500 yards, correct? --- That's right.

How did you work out that kind of cost? How did you work that out? Well, where are your figures for the roads? --- Hier is dit, Meneer die Voorsitter, dit is 40,000 vier-kante jaarts.

Have you got figures for the roads or not? --- Ja, Meneer Voorsitter.

You have? Read them out please? --- Meneer Voorsitter die 4,500 jaarts straat is gruis ontrent sewe jaarts wyd en gee dit ons 31,500, dit is nagenoeg...

DR. VAN BILJON: (Interposing) Hoeveel jaart wyd? --- Sewe jaart wyd, 21 voet. Nagenoeg 40,000 vierkante jaarts, en as ons dan vier-duim dik gruis gee is 4,450 cubic jaarts of 15.00 vragte, natuurlik drie cubic jaart vragte. Die cubic jaart vrag die sal ons op daardie distansie 5/- per vrag uitwerk. Dit gee ons dan £375.0.0. vir die gruis. Dan

gebruik ons die pad-skraper daarso teen £9.0.0. per dag en dit meen dat ons sal dit tien dae moet gebruik. Die totale koste sal omtrent £375.0.0. plus £90.0.0. - dit is £465.0.0.-wees. Dan het ek vir onvoorsiene uitgawe £160.0.0. dit is £625.0.0.

So you made all these roads, the nine roads plus the road leading onto the township, you do that all in ten days? --- Nee, Meneer die Voorsitter, net die masjien wat daar gebruik word, die pad-skraper.

Oh, well I haven't seen anything for wages yet in there, for labour? What is the figure for labour? --- Meneer die Voorsitter, die kwessie van arbeid die is reeds - die mense word betaal, dit moet gedoen word.

I should think you have to pay for them. You get paid too, as an engineer, don't you? --- Ja.

But what is the cost, what would they get paid? What is your figure there for the payment of the labour? --- U meen vir die laai van die gruis en die dinge?

I don't know - for the work making these roads, you must pay for that? --- Meneer Voorsitter, 5/- per vrag. Dit sluit ons arbeid koste in. Arbeid-en petrolkoste in.

Laying the roads, hammering it out, digging it out? --- Ja, Meneer.

Making it smooth, putting the gravel on, the lot? --- Ja, Meneer Voorsitter.

MR. VAN WYK CROSS-EXAMINED BY DR. LOWEN

So what is the total labour cost? You don't use slave-labour here in Nylstroom do you? ---- Ek het glad nie die arbeid apart nie.

What is the total labour cost? Of your £625.0.0. how much is labour, the cost for labour? ---- Meneer Voorsitter, nee, dit is nou moeilik om dit nou hier-so te...

(Interposing) Mr. Van Wyk, have you ever laid out streets? ---- Ja.

How many streets have you laid out in your life? ---- Ek kan nie sê nie, Meneer Voorsitter.

Where have you laid streets, in Smithfield or where? ---- Ja, daar, en selfs hier ook.

Have you laid out a township with streets? ---- Nee, Meneer.

What is your knowledge of street engineering? Have you got any knowledge of that at all? ---- Nee, Meneer Voorsitter.

No, none at all. Did you study it in your curriculum for your electricity career, did you study road engineering? ---- Nee, Meneer.

Nothing to do with it. Did you study perhaps in your spare time at home? ---- Ja, Meneer.

Yes, in your lonely nights. For how long did you study street engineering? ---- Ek kan glad nie sê nie.

I put it to you that you never did? This

---- is ----

is an after-thought that you did it all at night. You never die. Have you any book on street engineering? --- Ja, Meneer.

What book did you study? --- Ek weet nie nou wat dit was nie.

You don't, you don't even know the name of the author? And I put it to you you never spent a night, however sleepless it might have been, on street engineering in Smithfield or in Nylstroom or anywhere in South Africa. Am I right? --- Hoe meen u Meneer?

You never spent any night on studying street engineering, however sleepless your nights may have been, am I right? --- Nee, Meneer die Voorsitter.

Well, when did you study street engineering ever? --- Ek het opgelees sover as wat ek kon.

Do you call that sufficient to pass an expert opinion on the costs of laying out nine streets in a township? Don't you realise, Mr. Van Wyk, how farcical your evidence is. Don't you realise it yourself? You pose as an expert on street engineering just because the Council wants you to give a figure for the cost of this building scheme, isn't that so? And you know as little about street engineering as I do, isn't that so? --- (No reply)

Can I take your lack of answering my questions means that I am right? --- Nee, Meneer Voorsitter.

I am not right, I am wrong, you know something

about it. Would you be surprised if somebody who knows a bit more about that than you would tell you that a mile of a street, a simple street, costs at least £600.0.0? Would you be surprised to hear that? --- Meneer Voorsitter, dit hang af volgens watter spesifikasie mens werk.

Would you be surprised to hear that the kind of street that you are contemplating would cost about £600.0.0. at least per mile? Would you be surprised to hear that or would you think it is possible? --- Dit is moontlik, Meneer.

It is possible, - you see, like the water items, £4.0.0., £6.0.0. or £12.10.0. So the street may cost per mile £600.0.0. Right. How many miles are involved here?

DR. VAN BILJON: Tarred streets or not, Dr. Lowen?

DR. LOWEN: Untarred. Gravel streets.

MR. VAN WYK: Twee-en-'n half myl.

DR. LOWEN: Two and a half miles, and if, as you say, it is possible that it cost £600.0.0. per mile, the street item grows now from £625.0.0. to £1,500.0.0. More than double again. How can you say you are an expert? --- (No reply)

All right, if you can't get an answer you can't get it. Now, the bridges we have left out because that is the only item where you confess you don't know anything about it and now I come to the electricity. Now, before I do that I would like to

see the figures which you have there, worked out. It may shorten the proceedings. Will you show me your figures now? Your figures on water, electricity and roads? May I see that? (Witness hands paper to him)

BOARD ADJOURNS AT 10.30 a.m.

RESUMES MEETING AT 10.45 a.m.

DR. LOWEN: I see in your book here, under water, unless I misread that, you have something that looks like hydrants. Did you write this in just now or...? ---- No, I wrote it in now.

Now, we are dealing with electricity. Before I go into the items there, am I right in assuming that you haven't laid on electricity in townships before? ---- Nee, Meneer.

You have been working as an electrician at Smithfield and there was not much work as far as electricity plants or electricity distribution was concerned, was there? ---- Nee, Meneer die Voorsitter, nie veel nie.

And may I assume that your knowledge of electrical matters is more or less the knowledge of - and I don't say that with any intention to deride anything, just to get the facts - your knowledge as far as that is concerned is really the knowledge of an electrician, more or less? Isn't it? ---- No, I don't think so.

What do you think? That your knowledge goes further than that? ---- Yes.

---- But ----

But your experience as far as laying out of townships as far as electricity is concerned, you told us that this is the first time that you have been asked to make an estimate of such costs? ----

Ja, van so groot.... (trails off)

Yes, that is the first time. And of course, one learns by one's errors, doesn't one, Mr. Van Wyk? --- Ja.

You see, not only electricians, lawyers are equally bad at the start, doctors - we all are. And would you admit that in this first attempt to make an estimate you may be quite wrong by not reckoning with things which an experienced man who has had experience in this kind of job before, may avoid? --- Dit is moontlik

And you wouldn't say that your estimate is infallible, as far as that is concerned? --- Ja, Me-
neer Voorsitter.

Now, as far as the estimate is concerned, if we look at the type-written statements handed in by Mr. Joubert, the total estimate comes to about £2,000.0.0. - to be exact £2,002.0.0. ---- Ja, Me-
neer Voorsitter.

And that is for bringing the electricity right on to the township and, once it is in the township, bringing it onto the erven, correct? ---- Ja, Meneer.

Now, let us start off. You need, first of all, you have to bring the current in bulk to the township? --- Dit is reg.

And that is done, how? ---- Met 'n hoog-spanningslyn.

Yes, through some high-tension wire. And the kind of wire that you need for that, depends, of course, on the amount of current which you want to bring to the township, correct? ---- Ja, Meneer.

And with that connection you mentioned that you have made your calculation on the basis of 25 Kilowatts? ---- Dit is reg, Meneer Voorsitter.

You think 25 Kilowatt is sufficient? ---- Ja, volgens estimasie wat gemaak is blyk dit dat 25 Kilowatt genoeg is.

Who made that estimate that 25 Kilowatt is sufficient? ---- Ek myself, Meneer die Voorsitter.

On what did you base that estimate and how did you work it out? ---- Die getal persele wat daar op die oomblik is....

(Interposing) 102 erven? ---- Nee,

Oh well, the whole evidence of Mr. Joubert which includes your statement talks about 102 erven, doesn't it? ---- Ja, Meneer die Voorsitter.

So then I take it that the figures which appear on the same statement are calculated on 102 erven? ---- Nee, Meneer Voorsitter, die bedoeling van die elektrisiteit was gewees dat namate daar uitbreiding plaasvind sal die hoeveelheid....

(Interposing) But that is entirely misleading. We have the following here in Mr. Joubert's statement which you saw, I'll just repeat that to you, the day

before you gave evidence, and before you went into the witness-box yesterday and this is what is said about the 'opdeling', "Al sou die gebied van ongeveer dertig morg opgedeel word teen erwe van 19 voet by 150 voet met nog 'n stuk grond van 105 jaarts by 160 jaarts as speelgrond, sal die getal erwe op 102 te staan kom." And if one reads in the same document that the cost of electricity will be £2,002.0.0. surely one is driven to the conclusion that that is estimated for 102 erven, isn't it Mr. Van Wyk? --- Meneer die Voorsitter, nee, die koste vir elektrisiteit is natuurlik vir die huidige populasie wat sal intrek daar.

Do you want to say that although the statement speaks of 102 erven, you in your calculations did not consider the 102 erven but a much lesser quantity of erven? --- Ja, Meneer Voorsitter.

Well, Mr. Joubert didn't tell us that. His counsel told us that this is the plan, the calculation. He didn't tell us that the ground is 102 erven, but the electricity is only for a minor part. How many erven have you considered? --- Ek kan nie nou met sekorheid sê nie. Dit is wat die populasie op die oomblik gebruik, min of meer 15.....

(Interposing) Mr. Van Wyk, isn't the first job of an electrical engineer when he embarks on this big task of making an estimate of the cost of the electricity for a township, to find out how many erven there will be? Isn't it the first job? --- Ja, Meneer Voorsitter.

--- Yes, ---

Yes, you see I am not an expert at all, perhaps not even in law, I don't know, but certainly not in electricity, but it occurs to me, and that is why, of course, the 102 erven which appear on the statement was a figure of importance, that that would be done by an electrician. Now, how many erven have you assumed there to be for the purpose of your calculations? --- Ongeveer dertig, Meneer die Voorsitter.

Oh, is that just a guess again? --- Nee, dit is volgens skatting, Meneer.

A wild guess like the others? --- Nee.

That is an ordinary guess. Volgens what? According to what? --- Die hoeveelheid mense wat hier nou op die oomblik in die dorp is.

Well, how many are there? --- 200 als en als, Meneer die Voorsitter.

And these 200 could, of course, be crammed into one erf and then of course the electricity would be very cheap. Well, what do you think? Into how many erven would they be crammed or put? --- Ek skat dit op dertig, Meneer die Voorsitter.

Thirty erven. Who told you that? --- Nee, dit is volgens my eie skatting.

You see, you are the employee of the Town Council. The Town Council wants to give the 102 erven but you say, "Oh well, thirty is quite enough." Is that your job as town engineer? Or was it done with the view to keep the cost down and make the proposition more attractive, Mr. Van Wyk? --- Nee,

Meneer die Voorsitter, dit is om nie onnodige kapitaal uit te gee nie.

Who told you that you should save like that? ----

Nee, niemand nie, Meneer die Voorsitter.

Nobody. So you are your own financial wizard now. The Town Council, in its wisdom or otherwise, decides there should be a township across the rail-ways consisting of 102 erven. You, you don't consult anybody, you say, "I don't care about 102 erven, 30 erven is enough" and that is how you come to your estimates. So we have no estimate at all for 102 erven? ---- Nee, Meneer.

None at all. You are, of course, under the Town Clerk, aren't you? ---- Ja, Meneer.

You didn't consider even that it was necessary to consult the Town Clerk as to whether you could make an estimate for thirty erven only? You didn't consider that necessary, Mr. Van Wyk? ---- Ja, Meneer die Voorsitter.

Well, if you did consider it necessary, why didn't you do it? Why didn't you approach the Town Clerk? ---- Ons het daaroor gepraat, Meneer die Voorsitter.

But you told us it is your own working. The Town Clerk never told us that he told you you should work it on thirty erven. You want to say that he told you that? ---- Meneer die Voorsitter, nee, ek sal nie sê offisiel nie.

Unofficially? ---- Ja.

But this estimate is an official estimate isn't

---- it ----

it? ---- Ja, Meneer.

And it doesn't bring out what happened unofficially?

---- Ja, Meneer.

It is rather a bit underhand, isn't it? ---- (No reply)

Yes, you admit that. Very strange for a technical expert. Did you have any motive in doing that?

---- U meen om minder erwe met krag te voorsien?

Yes. ---- Ja, Meneer die Voorsitter.

What was your motive? ---- Om nie so baie kapitaal dood te laat lê.

To make it look better on paper. To make the estimate look lower than it may otherwise be if it were for 102 erven. That is obvious, isn't it? ---- Ja, u kan dit so stel.

So there is a little bit of window-dressing in your estimate, isn't there? We have that before we start off.

DR. VAN BILJON: Dr. Lowen, the witness said that he didn't want so much money to lie dormant.

DR. LOWEN: He is not the financial expert of the town, he's the town engineer.

DR. VAN BILJON: Yes, but surely you don't lay out a township which provides every vacant erf with electricity.

DR. LOWEN: Sir, that will be a matter of argument. I just brought out that without rhyme and reason, unofficially and for some window-dressing,

---- and ----

and the witness said so, so for some window-dressing this figure of 30 erven was introduced. Whether it was wise or not I shall, with your permission, reserve for argument. Now, Mr. Van Wyk, assuming you were asked to estimate the cost of electricity for 102 erven, as you were asked in fact, what would your estimate be for that? --- Meneer die Voorsitter, dit is moeilik om te sê. Dit hang af wat se industrieë, woonhuise en winkels, wat daar op die 102 erwe gebou word.

So you have no idea at all, and therefore, on the proper basis, your estimate is not waterproof at all, it is meaningless? ---- Nee, die estimasie is op die praktiese dinge wat nou moet plaasvind.

You see, the Town Council may want to give them a lot of erven so that only a few people stay on one erf, but you say, "Oh no, thirty erven is enough." I want to ask you now, would you be able to work out a proper estimate based on 102 erven? ---- Ja, Meneer.

And you may be asked to do so. Meanwhile, your figures are only concerned with thirty erven? ---- Ja, Meneer Voorsitter.

Now then, following up on what the member of the Committee mentioned that one doesn't start with a scheme in a big way, in your experience, if you are asked to bring electricity to a township and in that township, in the first month let us assume there are only ten erven occupied, would you then only provide electricity for ten erven? I mean the installation, so that after the next ten have come you pull down the first job and put up a second

job, or how would one do it? --- Nee, Meneer die Voorsitter, jy sal naastenby 'n estimasie maak waar dat die plek oor teen of vyftien of twintig jaar sal staan en...

(Interposing) Quite, and that is the answer, I think to the question which was put to me from the Bench. One doesn't do it piecemeal, one doesn't put up a wire which is enough for the first few weeks, one does a proper job so that one doesn't have to chop and change every year, or second or third year. Isn't that so Mr. Van Wyk? --- Ja.

At least we agree on one point. And therefore I put it to you, if therefore the Town Council, through its Town Clerk, provided for 102 erven, isn't it utterly ridiculous then, with that point of view in mind, only to work out an estimate for thirty erven? Isn't it ridiculous? --- Meneer die Voorsitter, ek kon nie sien dat daar veel uitbreiding gaan plaasvind nie.

Oh, you couldn't see it, but you see, now we are thrown back on your optimism or pessimism for the future. But you agree with me that it would be a very costly job to provide first only for a small quantity of people or erven and then later on, in a few years time, if the area is standing, one would have to pull down the first installation and put up a new one, isn't that so? The wires wouldn't carry the bigger current? --- Ja, Meneer die Voorsitter.

Quite, now we have that. Now, how much current, or how many kilowatts did you allow per erf on your 30 erven calculation? How many kilowatts per erf?

--- Amper een kilowatt per erf, Meneer Voorsitter.

You say one kilowatt? --- Ja, Meneer.

So you are still out already, on your estimation, by five kilowatt. You have now 30 erven and you only bring 25 kilowatt. Where do the other kilowatts come from, the five? You are already out by five. Where do they come from? --- Ek het gesê baie naby aan een kilowatt.

But there are thirty erven. So 'baie na' means more than one kilowatt or less? --- Less.

Now, you know that the Administrator has to say something about that, don't you? --- (No reply)

Don't you? --- Ja, die Electric^{ity} Supply Commission.

There are prescriptions about that, aren't there?

--- Ja.

What is the rule? What is prescribed by the Administrator per erf, Mr. Van Wyk, and now I am on the subject which you really say you have studied, not only at night but at the Technical College. What is the amount of kilowatt necessary per erf as prescribed by the Administrator? What is it? --- Ek weet glad nie, ek het geen idee nie.

Would you be surprised if I were to tell you that the minimum per erf prescribed and never sanctioned if it is lower than that is three kilowatt? You wouldn't be surprised to hear that? You would not dispute it, would you? --- Nee.

You would not. You see, you are the expert, I am only the cross-examiner. Now, therefore, if

--- you ---

you must have three kilowatt per erf, on thirty erf you need already ninety kilowatt, and on 102 erven you need almost three-hundred kilowatt. That of course, throws out your calculation altogether, does it not? --- Ja, Meneer,

It makes it an entirely different scheme.

CHAIRMAN: That three kilowatt per erf, does it exclude the street lights?

DR. LOWEN: Excludes them, so in addition you have to provide for street lights and so on. Now, Mr. Van Wyk, do you think it necessary to take me through your calculations in these circumstances, or would you concede that knowing now that that may be the position, your estimate really is not worth discussing? --- As dit die posisie is, Meneer die Voorsitter, natuurlik dan is my estimasie verkeerd. Dan is my estimasie te min.

Not only 'te min' -- it is wrong altogether, isn't it, hopelessly wrong? You see, I don't blame you, perhaps I shouldn't blame you, I apologise to you, -- you worked in Smithfield of course and there there is another Administrator, that is in the Free State and we are now in the Transvaal. Transvaal may be more progressive or the opposite, I don't know, but what was the prescription in the Free State? What did the Administrator there prescribe, did he perhaps say one Kilowatt? --- Nee, Meneer die Voorsitter, daar is geen preskripsie nie.

There is none at all, but here in the Transvaal,

in Nylstroom, we have it. Under these circumstances would you agree that your estimate, even for thirty erven is less even than half of the actual cost? ---
Ja, Meneer die Voorsitter.

And if we come to 102 erven, then of course, on these lines alone, we have already to multiply your estimate five or six times? No, I am wrong, I am sorry, twelve times. Twenty-five kilowatt against 300 kilowatt, right? --- Ja, Meneer Voorsitter.

And if we multiply it by twelve, what is the figure then? Your present figure is £2,002.0.0. If you multiply it, if we say 102 erven to avoid pulling out and putting in installations, then the electricity scheme may amount to what? --- £24,000.

£24,000.0.0. And then, of course, it doesn't look so nice any more on paper. Because you say you wanted to save money because you have a feeling the town hasn't got too much money, isn't that so? Yes, you may be right. And if it comes to £24,000.0.0. of course it looks entirely different. Now, let us take 30 erven, then it would be how much? ---
£6,000.0.0.

And that would include the transformer? --- Yes.

Connection to the individual houses? --- No, that is paid by the clients.

Oh yes, it is paid for, but first it must be put in, isn't that so? You must have the money to put it in, they don't pay you in advance for it. How much do you reckon for that, connections to the erven? --- Die konneksie na die erwe toe, die betaal

die verbruiker self.

Is that the position in Nylstroom? ---- Ja.

And the street lights? How many street lights have you allowed? Of course, you have only allowed for thirty erven. How many streets have you allowed for street lights? --- Ongeveer twintig, Meneer die Voorsitter.

You have then allowed twenty street-lights for thirty erven? --- Ja.

For one street, I take it? It puts them all on one street? --- Ja, die skema van die Raad is elke vierde paal 'n lig.

And you have allowed for about one street? --- Nee. Twintig pale sal dwarsoor die....

(interposing) How many streets? --- Aan al nege strate.

All the streets. What is your figure for street lights? --- Meneer die Voorsitter, hy is 'n bietjie deurmekaar. £50. 0. 0.

All street lights, £50.0.0. For the whole township? --- £50. 0. 0.

With the poles and the lamps? ---- Ja.

Wires, everything. It sounds very cheap, doesn't it? --- Ja, Meneer die Voorsitter.

Isn't it a gross underestimate, Mr. Van Wyk?--- Nee, Meneer die Voorsitter, ons koop net die gedeelte van die lig aan, die ander maak ons self van pyp hierso.

---- Now, ----

Now, I don't think I have to go further with you on that. Let us just recapitulate then, for 102 erven you would come to about £24,000.0.0. for the electricity, and on 30 erven you would come to about £6,000 quite unnecessary. Now, as far as the other township, C.7 is concerned, do you know where that is? --- Ja, Meneer die Voorsitter.

Have you worked out the cost for that? The water, first of all. Meneer die Voorsitter, ek het dit nie uitgewerk nie, ek het net 'n skatting gevat.

Well, you see, you will forgive me but your guesses yesterday were a little wild. You jumped down from 75,000 feet to 34,000 feet, and from a six-inch pipe, four-inch pipe - isn't your guess rather hazardous if you guess all this? How far, for instance, did you guess the distance of C.7 from Mynigerstraat where your water is taken off? How far is that? --- Mynigerstraat is nie die naaste konneksie vir water daar nie.

Which is the nearest one? --- Meneer die Voorsitter, ek ken nou nie die straat se naam daar nie, maar dit is aan die spoor-lyn, daar is reeds 'n water-konneksie deur die spoor-lyn, aan die ander kant van die spoor-lyn.

Well, have a look. Go to the map? --- Meneer die Voorsitter ek weet hy is net... hy is oor die spoor-lyn, dit sal omtrent 300 jaarts wees.

DR. VAN BILJON: 300 jaart oor die spoor-lyn? --- Nee, die konneksie is omtrent 300 jaart van die middel

van die blok af.

DR. LOWEN: Yes, and what pipe would you need there to connect up, it depends on all these features? ~~six~~, four, three, what do you need there? --- Meneer die Voorsitter, ek meen dat dit drie-duim sal wees, dat drie-duim is heeltemal voldoende.

And if I mention again to you that the prescription is that you can't have it under four-inch then you would accept it? --- Ja.

It may, in fact, due to difference in locality not be necessary, but six-inch is also possible? --- Ja.

Yes, it is quite possible, and then the prices between four-inch and six-inch and three-inch differ widely. You can't really say what the main pipe for water will cost you there? --- Nee, Meneer.

And you never drew a Diagram of C.7 as you did for C.6, did you? --- Nee, Meneer.

No, of course not. So we don't know the distances of streets or anything like that and you can't have worked out a reticulation for C.7. can you? --- Nee.

Nor have you worked out the road scheme for C.7? --- Nee, Meneer die Voorsitter.

Nor have you worked out an electricity scheme for C.7. Quite. Now, one more thing, it is no good then discussing C.7 at all, but one more thing, the present Power Station. How big is that? --- About 400 kilowatt, 425 kilowatt.

--- Yes ---

Yes, and how many kilowatt do you need in town?

--- A big load, up to 230.

And the establishment of a new township with Government buildings and all kinds of things would increase, of course, your demand very considerably?

--- Yes.

Quite. It may be necessary to have another generator for that? Or other machinery in your Power Station? --- Yes, it may be.

What would machinery cost? Such machinery which may become necessary, what would that cost? Have you considered what machinery may become necessary? --- (No reply)

You haven't considered it really have you, Mr. Van Wyk? It is no good guessing on that because I will take you up on that. Have you considered what machinery may become necessary? --- Meneer die Voorsitter, as daar uitbreiding plaasvind dan vind dit plaas dat daar een masjien met 'n generator bygekoop word en as die stasie se kapasiteit naderhand te klein is word daar weer een bygekoop.

Yes, and how much would that cost? --- Een groot masjien nou by die sal plus minus £8,000.0.0. kos.

Yes, another £8,000.0.0. to £9,000.0.0. for which we haven't provided at all in our estimate. And it may even not be possible to get it easily because material, we understand, at least in Johannesburg, is very difficult to get - this kind of material - isn't it. --- Ja.

And we have read long articles that people should

save electricity because the Electricity Supply Commission in Johannesburg are very worried about the supply of generators and machines, and so on. You realise all that? --- Ja.

So it would be very difficult to say two things, Mr. Van Wyk, (a) Whether this kind of scheme from the point of view of lights is possible at all due to the output you have now, and (b) what it would cost. Do you agree with me there? --- Ja, Meneer.

Now, one last thing. We have heard from the Town Clerk, Mr. Joubert, that the fact that the Native Location hasn't got one single light in the streets or in the houses so far is entirely due to the fact that the natives haven't asked for it. If they were to ask for it, we understand, then the Town Council would only be too willing to put it down there. Have you ever considered what it would cost to bring light from here to the Native Location? What would that cost, approximately? --- Meneer die Voorsitter, dit sal baie kos, die lokasie is baie ver. Dit sal glad nie 'n betalende skema wees nie.

No, but the Town Clerk told us. You see, I hear that you people would do it if they only would ask for it, they never asked for it. Now, if you did that then that would, of course, increase the electricity demand, wouldn't it? --- Ja.

Quite. It would make it even more necessary to enlarge your Power Station? --- Ja.

And the cost of that due to the distance may easily, even a modest scheme, run into anything

between £10,000.0.0. and £15,000.0.0. If I am too high tell me I am too high. £10,000.0.0? ---- No, £15,000.0.0. sal reg wees.

Yes, now one last question. I am sorry, I said that would be the last. Your Municipality, as far as you know-- if as engineer you don't know don't tell me then - are they going ahead with their water filtration scheme? ---- Ja.

The one that costs £50,000.0.0? ---- Ja.

Did you advise that it would be necessary in order to purify the water? ---- Meneer die Voorsitter die skema was reeds in werking toe ek hier gekom het.

And as far as you know they are still looking for the money of course? ---- Ja, ek weet nie.

MR. MINTY: No questions.

MR. DISON: No questions.

MR. HIEMSTRA: Die water wat vandag hier in die bewoonde deel van Nylstroom is, watter dikte is hulle wat nou langs die straat loop? ---- Meneer die Voorsitter, hier is vyf-duim, vier-duim, drie-duim, twee-duim en selfs duim pype ook.

Waarvan hang dit af hoe wyd die pyp is? ---- Van die druk van die water.

Dit wil sê die hoogte waarop die straat lê in vergelyking met die opgaardam? ---- Dit is reg.

En hang dit ook af van hoeveel mense moet bedien word deur die pyp? ---- Ja.

---- Dus ----

Dus dit hang af van twee faktore wat kan wissel volgens die plek waar die dorp geleë is in verhouding met die opgaardam en dit hang af hoeveel mense moet bedien word? --- Dit is reg.

Volgens die twee faktore word beslis hoe 'n groot pyp u nodig het? --- Ja.

Hoe lyk die hydrants wat hier vandag in die staande Nylstroom is? --- Meneer die Voorsitter, die hydrants wat hier is is nie die tipe wat ons ondergronds gebruik nie, dit is maar net 'n 'T' in die pyp en dan 'n opper-opstandpyp met 'n stopvalve daarin. Dit is 'n baie goedkoop soort.

Hoe hoog is die opstaande pyp? --- Hy is ongeveer twee voet ses na drie voet toe.

5 En dan is daar net 'n afsluitkraan voor? ---Ja.

Dit noem hulle 'n wheel-valve? --- Dit is reg.

Nou, wat is die koste dan van 'n stuk drie voet pyp en 'n wheel-valve? --- Meneer die Voorsitter, eerstens is daar natuurlik 'n 'T' nodig in die geval. As ons aanneem dat dit 15/- is en vat hom op 10/- per voet vir die pyp, drie voet, 10/- per pyp is £ 2.5.0. Dan is die stopkraan natuurlik nodig en ek dink ons het daar gehad teen £2.0.0. Dit is omtrent £4.5.0. Meneer Voorsitter.

Is daar strate hier waar blankes woon wat nie gegruis is nie? --- Ja, baie strate Meneer die Voorsitter.

Is hulle net geskraap? --- Net geskraap. Sodra dit reën dan word hulle weer, natuurlik, geskraap.

En woon die blankes al baie jare in die strate wat nie gegruis is nie? ---- Ja, Meneer die Voorsitter.

Hoeveel kilowatt is daar vandag hier per bewoonde erf in Nylstroom, wat vandag verskaf word? ---- Meneer die Voorsitter, ek praat onder korreksie, maar dit is ^{naasgenoeg} een kilowatt per erf.

Wat vandag verskaf word? ---- Ja.

Is hier 'n brandweer masjien? ---- Nee, Meneer die Voorsitter.

Het u al gehoor van 'n plattelandse dorp van die groote van Nylstroom wat 'n brandweer masjien besit? ---- Nee, Meneer Voorsitter.

Nou as dit nodig word om 'n brand te bestry hoe word dit gedoen in die hydrants wat hier is? ---- Die gewoonte is uit die hydrants uit met 'n hose, 'n seil-pyp.

VOORSITTER: Het u nog getuies hier?

MNR. HIEMSTRA: Nee.

VOORSITTER: Ek wil net seker maak, ek het gister hier gevra, Mnr. Botes het namens die kerke dan, wou hulle hō hy moet getuienis gee, is daar dalk van die ander veronigings, die Sustersvereniging of die Burgerlike Veroniging? Moet ek aanneem dat hulle nie versoek dat enige getuienis geloi word nie?

MNR. BOTES: Ja, Mnr. Venter se hy wil net toespreek.

DR. LOWEN: Sir, I understood yesterday, and I don't want to be unfair, in fairness to the other

side, I would like to draw your attention to the fact that Mr. Swanepoel specially came over to me yesterday to tell me that he was anxious to give evidence and would be giving evidence. Now, he is not here this morning, he may be preparing his evidence or he may not realise that it would be his turn now, so in fairness to him I think he should be given a chance. He specially came to acquaint me of the fact that he wanted to give evidence.

DR. VAN BILJON: Was that before Mr. Botes gave evidence?

DR. LOWEN: It was in the morning.

DR. VAN BILJON: Because you will remember, Dr. Lowen, he came to the microphone yesterday afternoon and he wanted to know whether Mr. Botes was appearing for the three.

DR. LOWEN: Yes, but that was the only question he asked. But he gave me the impression he was over anxious, and he specially came to my table here - I didn't invite him to - to tell me that he is going to give evidence, so I think, perhaps, in fairness to him, I don't like him to be left out, give him an opportunity and send a message to him then.

CHAIRMAN: I don't think so, Doctor, he should see that he is here. I called out yesterday and wanted to know and if he had anything to communicate. I think he should have communicated it to me as Chairman before anybody else.

DR. LOWEN: Sir, I only want to be fair to

--- him ---

him, it doesn't concern my case.

MNR. BOTES: Meneer Voorsitter ek wil net sê, ek weet nie wanneer mnr. Swanepoel by Dr. Lowen was nie, ek mag miskien net tot regverdiging van mnr. Swanepoel sê dat na die middagete, toe het ons as drie groepe, drie kerke, bymekaar gekom en toe het ons besluit dat alleenlik ek dan namens die drie kerke getuienis sal lewer. Ek sê dit net tot regverdiging van mnr. Swanepoel.

DR. LOWEN: Well, that is one of the cases where food has a good influence. Now, Sir, as far as my case is concerned, I think I may be able to cut short my case if you would allow me five minutes to consider the evidence which I want to lead. I may be able to cut out some, but I would not like to do this without consulting my clients. Five minutes would be sufficient to consider that.

MOHAMMED MUSTAFA MOSAM of Nylstroom (sworn states)

CHAIRMAN: Doctor, on what points would you like me to hear his evidence?

DR. LOWEN: On the points, very shortly, of time that the Indian community has been in this town, the businesses established, the general turn-over, the expectation of trade, if any, across the railways and the hardship which would be suffered if any of these proposed schemes are carried out.

DR. LOWEN: Mr. Mosan, you are a businessman in Nylstroom? --- Yes, Mr. Chairman.

•
And you have been in Nylstroom for how long? ----
I am in Nylstroom since 1920.

For the last 33 years. And at present, apart from having your own business - how many businesses have you got, how many shops? ---- I have got three shops in Nylstroom.

And apart from having the three shops are you the Chairman of the Muslim community of Nylstroom?
---- Yes.

And are you in a position to express the views of the community? ---- Yes, Mr. Chairman.

You know your own business, and you know the businesses, more or less, of your Indian friends as well? ---- Yes.

Now, Mr. Mosam, when you came to Nylstroom, were you the first member of the Indian fraternity or the Muslim community in South Africa to come to Nylstroom or were there people here already? ---- No, there were people before me, Mr. Chairman.

Am I right in suggesting that people have been here since shortly after the Boer War or before the Boer War? ---- As I understand there were a few before the Boer War.

And at some time were there more shops here than there are now, or less shops, or what is the position?
---- In 1920 when I started my business here, Mr. Chairman, there were about ten shops in this town.

In 1920 and how many are there now? ---- Fourteen shops today.

---- But ----

But in^{between} were there more shops on properties which are now occupied by Europeans? ---- Yes, Mr. Chairman.

You were present here when I presented details of a fairly long list to the Town Clerk, Mr. Joubert, and he conceded that in quite a number of erven, I don't want to repeat all that, there was Indian occupation and now it is European. Is that correct? ---- That is correct.

Now, at present, we understand the community, the Indian community or the Muslim community, - which word do you prefer, what shall I use, Muslim or Indian community? ---- Muslim community.

The Muslim community consists of about how many members? ---- 183 altogether with the children.

Yes, we got the figure from the Town Clerk 198. Can you explain why he says 198 and you say 183? There may be an error somewhere? ---- There may be an error but what I recollect is 183.

Yes, but you wouldn't dispute the 198? ---- No.

Now, what is the occupation of the male members of the Muslim community here in Nylstroom? What do they do, what occupations have they got? ---- They are storekeepers and assistants.

And they have no other jobs in this town, they are not taken as clerks by the Europeans, they are not in the Town Hall, they are not employed anywhere? ---- No, Mr. Chairman.

I think it is common cause that it is difficult

---- for ----

for any member of the Muslim community to get Government employment or any other employment with Europeans? ---- There is no other job.

Now, apart from the store-keepers we have, how many people are employed as shop-assistants with the store-keepers? ---- Between 17 to 20 are assistants.

You yourself, Mr. Mosam, have you erected a very representable new building here in Potgieter Street for your shops? ---- Yes.

Is it still empty? ---- Still empty.

The building is finished? ---- That is in the part which has been described as C.4? ---- C.4.

And you yourself, your business is on which erf? ---- 127.

Yes, 127, that is near Pretorius Street, isn't it? ---- That is in Potgieter Street.

In Potgieter Street, yes, between Albert and Pretorius Street. ---- Yes, between Albert and Pretorius Street.

Yes, and any other erf? ---- On erf 167 that store belongs to my brother.

And then you have occupation of one erf which goes into Victoria Street? ---- Yes.

Now, the ownership - do you know that altogether six erven are owned by members of the Muslim community. ---- Yes.

Is that legal ownership? They are all legally owned.

Ownership which goes back how far? ---- Before 1919.

---- Now ----

Now, having lived in this town of Nylostroom for 33 years, can you say whether there was ever any friction, any trouble between the European and Indian community? --- No, Mr. Chairman, none at all.

As far as the criminal record is concerned is there any such thing as far as the Indian community is concerned? --- No, Mr. Chairman.

What would you say, what has been in the past, let us divide it up to follow Mr. Botes' division of time, let us go first to 1934. Up to 1934 was there ever any trouble at all in this town between Indians and Europeans? --- No, Mr. Chairman.

What was the understanding between the Muslim community and the European community, friendly or unfriendly? --- Very friendly.

Was there any social intercourse? --- No.

But the businesses, were they frequented by Europeans as well as other people? --- Yes.

Then we heard, you were present when this was said, that since 1939 matters changed. Now, I don't want to talk about South Africa in general, I just want to talk about Nylostroom. Have things as far as the understanding is concerned between the European and the Muslim community changed? --- There is no change at all.

You wish to say that the understanding, the 'verhouding' between the Europeans and the Muslims is as good as it ever was before? --- Yes.

Do you know of any people in this town who

--- try ---

try to build up some agitation against the Indian community? --- As far as I know I don't know.

Anyhow, we better not talk about it. Now, how many Europeans do you think, or what is the percentage of trade done by your shop, first of all, what is the percentage, how much of your trade is done with Europeans and how much of your trade is done with Indians and how much trade is done with Natives and Coloureds? --- Especially my trade, Mr. Chairman, is 90% European.

Any trade with other members of the Muslim community? --- No.

No trade. Is there any explanation for that?

--- The explanation is that they have all the same lines which I have.

You don't buy your groceries from Mohammed and Mohammed doesn't buy from you, he has them himself. And as far as the natives are concerned in your shop? --- I've got about 10% .

About 10% of native and coloureds. By the way, how many coloureds are there in this town? --- There may be very few.

Less than ten? You don't know? --- I have no idea.

Now, we have spoken so far about your business. You know, as you told us, the character of the business of the other members of the Muslim community, what would you say the character of their business is, how much European trade would they have, generally speaking? --- Between 75% to 80%

--- Between ---

Between 75% to 80% European trade and the balance is Non-European. --- Yes.

And I take it, or I had better ask you, the trade done by farmers who come to Nylstroom - I suppose they come to Nylstroom - I don't know how often, once a week or so, that trade, does that play a big part or a small part or what part does it play? --- It doesn't play a very big part, Mr. Chairman.

At present you get farmers as your customers too? --- Yes, Mr. Chairman.

Now, these farmers who come to town and do their shopping. Would you say that they specially come in order to buy from you and you only and they would go anywhere where you are or do you think they buy from you because you are now in Potgieter Street, the business street? --- As far as I think, Mr. Chairman, they buy at the nearest shop.

You have accounts running for some people? --- Yes.

Now, are you in a position to estimate or tell us as nearly as you can, the amount of trade in pounds shillings and pence which is done monthly by the Indian community as a whole. What is your turnover in the whole of the town? --- In the whole of the town it is between £15,000.0.0. to £20,000.0.0. per month.

And those people, members of the Muslim community who live here in this town, is that, more or less, the only source of their income or do they have income from other sources? --- As far as I can say that is the only income.

Is one or the other of them a landlord who lets a shop to somebody else, is that the position at all?

--- There is.

There are some people who have part of the property lot but apart from that you say that the main source or the only source of income is the trade? --- The trade.

And the shop-assistants whom you employ, what is their source of income? --- Only from their work as assistants.

Now, of the community here in Nylstroom are there people who were born in Nylstroom? --- Most of the younger generation were mostly born in Nylstroom.

And of the others who were not born in Nylstroom, are there people who were born in South Africa or were they born somewhere else? Where were they born? --- That I can't say.

You yourself, of course...? --- I am born in India.

A member of the elder generation, you only came here thirty three years ago. Now, Mr. Mosam, you have told us there has never been any trouble and you say that the understanding is as good as before. --- Yes.

Now, you have heard the evidence of Mr. Botes, who talked about the necessity of separating you because otherwise there would be trouble between the Europeans and the Muslim community. Would you say that such trouble would come from the Muslim community? --- I don't think so.

--- And ---

And you talk from your experience? --- I talk from my experience.

Do you think it necessary, as far as you can see and you know Nylstroom perhaps better than I, do you see any necessity for establishing a group area for the Indian community? --- No, Mr. Chairman, I don't think there is a necessity.

Now, apart from having your shops here and your residential quarters there are community buildings. We have inspected the Mosque, for instance, we have seen the Madressa, your religious school and let us stick to this side the quarters for your priest?--- Yes.

The ground on which these buildings stand belong to whom? --- It belongs to the community but it is in the name of the Minister of Lands.

That is in terms of the 1932 Act, it is registered in the name of the Minister? --- Yes.

I think it is the Minister who lives here, Mr. Strydom, isn't it? --- At present, yes.

And he has that not because he lives here but your property is registered in his name? --- Yes.

Now, who put up the buildings? --- The Muslim community put up the buildings.

At what price? What would you say is the cost... or perhaps I had better put it this way, what is the Municipal valuation of the buildings? --- To which do you want to refer?

Well, let us take them all together, it makes it

--- shorter ---

EVIDENCE OF MR. M. M. MOSAM

shorter, all the buildings put up as community buildings by the Muslim community? --- Which includes the Government school too?

Yes? --- The Municipal valuation is something over £10,000.0.0.

The Municipal valuation alone of the improvements? --- Yes, of the improvements.

And what would you say, present day conditions, building, building costs, material costs, what do you think these buildings are worth today? --- Not less than £15,000.0.0.

And all this was put up by the community, the Muslim community of Nylstroom, alone or with the support of other communities? --- Mostly by the Muslim community of Nylstroom with a little support from outside.

And these buildings are, of course, maintained by the community? --- Yes.

Tell me, for the record, although I don't think anybody will doubt it, if I just may ask you, the Mosque and the Madressa, the religious school, do they mean as much as Churches at least mean to any other community of any other denomination? --- Yes, Mr. Chairman.

The question was asked, I think by Mr. Minty, how often do the Muslims go to the Mosque? --- Five times a day, Mr. Chairman.

Well, anyhow, they are a religious people? --- Yes.

--- And ---

And do you know, in your law, in your Muslim law, what is the position as far as a Mosque is concerned? In your law, can a Mosque be pulled down? Can the ground be used for something else? Is it sacred ground, what is the position? --- I don't want to say anything on that matter, Mr. Chairman. I think that should be asked of one of the Molvis here, a priest.

Yes, but I don't want to call a priest. Perhaps you can tell us that? Please, I don't want to hurt your feelings, it is not a question of feelings? --- No.

No, well I don't think I have to call a priest for that. What do you say, do you know? What does the Koran teach you about that? --- It should be left where it is.

And not be used. Now, let us come to the Government school. We inspected the Government School as well. That Government School is on grounds which belong to whom? --- Those school grounds belong to the Municipality.

Yes, the Municipality entered into a lease with the community from time to time, different leases, and the position at present is that you pay rent for the ground. How much? --- Altogether we pay about £4.0.0. rent per year.

Am I right in saying there was first a lease for the ground, for the sports ground? --- The first lease is for the Sports Ground, in 1931.

Right. £1.0.0. nominal rent? --- £1.0.0. nominal

--- rent ---

rent.

Then a lease was entered into in 1935 for the ground on which the school stands, another £1.0.0? --- As far as I know it is another £1.0.0. per year.

And then ground was leased on which now the two teachers' buildings stand? --- Yes, Mr. Chairman.

And that brings it up to - you say £4.0.0? --- £4.0.0. a year.

Now, I want it from you, you were one of the signatories of the leases. I have read out yesterday the clause which says that if for any reason whatsoever you can't use this school and it stands empty for six months, without compensation it goes to the Municipality. Do you remember that? --- I remember that, it is correct.

Now, Mr. Mosam, suppose you were moved to any other place, of course you couldn't take your Mosque along and your school buildings, who would have to pay for the new Mosque? --- The Muslim community would have to pay for the new Mosque.

And the Madressa for the religious school? --- All by the Muslim community.

And as far as the Government School is concerned, do you know of any place of the size of Nylstroom in which the Government has put up at its own cost a building for an Indian School? --- As far as I know, nowhere, Mr. Chairman.

And you would have to put up, unless you want to let your children go without schooling, a school? ---

--- Yes ---

--- Yes, Mr. Chairman.

A Madressa? --- Yes.

A Mosque? --- Yes.

Teachers' quarters, priest quarters? --- Yes.

How much do you think today, or two or three or four years, six years time, how much do you think all that would cost the Nylstroom community? --- I could guess it at £15,000.0.0. to £20,000.0.0. Mr. Chairman.

That is based on present-day prices? --- Yes, Mr. Chairman.

Now, Mr. Mosam, I have nearly finished, just a few more things. You have heard the suggestions which have been made by the Municipality that you originally were supposed to be placed, you know, near the brick-yard or this mining road, at C.1. Now that is not proposed anymore, we needn't worry any more about that. Now you are being asked to establish yourselves on C. 6 across the railways or alternatively on C.7 across the other railway. Has anybody who made this suggestion here, has the Town Council ever told you that if they were to do that they would compensate you for your present buildings? --- No, Mr. Chairman.

Has anybody ever offered to assist you financially with building up a new Mosque, Madressa, school or anything like that? --- Nothing like that.

Nobody has ever done that. Now, you know Nylstroom well, in the thirty three years of your

--- being ---

being here you have known it, we found out that the nearest road to C.6 across the railways would be Albert Street? --- Yes, Mr. Chairman.

There is a river? --- Yes.

Have you noticed that that river from time to time goes over the road? --- Yes, I have several times.

And then you can't go through? --- And then you can't go through.

It is said that it is not a very great hardship because there is still the other road - only three miles - on to Pietersburg and then you come backwards, only three miles; what would you say, is that a hardship or not if anybody has to go three miles instead of one mile? --- It will be a hardship, Mr. Chairman.

It would be a hardship, yes, I should think so. And let us now talk about this proposed township across the railways. Suppose you were established there, you don't know whether you would get licences for businesses, how many you would get? Do you know? --- No, I don't.

Well, let us assume you get licences, as many as you want. What would you say would be the position, economically or financially for your community if it were pushed across the railways into C.6, what would you say? --- It will be a total ruination, Mr. Chairman.

You say 'total ruination'? --- Total ruination.

--- Now ---

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