

ANNEXURE "A"

CONSTABLE FINED

STRUCK A NATIVE TEACHER

A constable, Francois Daniel Coetzer, appeared before Mr. F.T. Neale, magistrate, yesterday, charged with assaulting a Native, Charles Matloporo.

It was alleged that Coetzer struck Matloporo in the face with his open hand on December 15.

Charles Matloporo, a school teacher at the American Mission, George Goch, said that early on Sunday morning, December 15, he and several Native friends were walking home from a social evening at the Bantu Men's Social Club, when the accused stopped the party and wanted to see their special passes.

"I stepped forward", said Matloporo, "and said 'I am with the children, sir! I have my exemption pass to show'. But the constable just looked at me, took my cap off my head and hit me three times, and ordered me to stand back. I showed my exemption pass, but he said this applied to me alone, and not to the children.

"On my asking him why he had hit me, he ordered me in Afrikaans to be quiet, and hit me again, with his fist this time in my left eye".

Coetzer said in his defence that when he stopped the party of Natives and asked them for their special passes, the complainant stepped forward and pushed him back, asking him what right he had to demand passes from the children when he could see they were under the care of a teacher. He took off the man's cap to see if he was a Native and then replaced it.

The complainant and some of the boys willingly accompanied him to the charge office. On the way there, the complainant said he was a teacher, and had come from a concert, producing his certificate to prove this. Coetzer then let them all go. He denied having struck Matloporo at any time.

Mr. Neale said he had no doubt that Matloporo had been assaulted by Coetzer and found no cause for the assault in the Native's manner. He found Coetzer guilty and fined him £2.

Mr. Ritch, who appeared for Coetzer, appealed for leniency on the grounds of the trivial nature of the assault.

Taken from "The Star" of 15th February, 1936.

/ML.

ANNEXURE "B"

Revenue Stamp.

A F F I D A V I T

I, the undersigned, HARRIET MBATA, do hereby make oath and say:-

1. On Friday night, April 6th, 1934, I attended a function at the Bantu Men's Social Centre, and I left the Centre at 2 o'clock in the morning in company with two men teachers and three women domestic servants. We took a taxi for the purpose of going to Alexandra Township.

2. On the way we noticed the Police pick-up van following the taxi, and it overtook us in Saratoga Avenue, near Harrow Road, and ordered the taxi to stop.

3. The men and two of the women were allowed to proceed, but the other domestic servant and I were taken by the Police to the Hospital Hill Police Station. I tried to explain that I was a nurse, and had to be on duty in the morning at Alexandra Township, but a policeman said "Come along quickly or I will kick you". The conversation was in Afrikaans because the Police said we were not to speak English.

4. The domestic servant and I were put into a cell at the Hospital Hill Station for the night with a woman who had been arrested for fighting and drunkenness. The condition of the cell was very bad. No sanitary provisions were made for us and the blankets were very dirty.

5. At the Police Station, I was told that if I paid £1 I would be released. I had no money and if I had been able to pay, I should have had to walk seven miles home to Alexandra Township.

6. In the morning at seven o'clock, the other girl and I were made to strip in the presence of a wardress, and we were then marched down to the Magistrate's Court. Before leaving the Police Station, I asked that a telephone message be sent to the supervisor, Miss Cowles, giving the Clinic address in Doornfontein.

7. On the way down to the Court, a friend of mine gave me £1. I appeared in Court at 11 o'clock and was fined 10/-.

DATED at JOHANNESBURG this 10th APRIL 1934.

(Signed) H. MBATA.

SWORN before me at JOHANNESBURG this 10th day of APRIL, 1934.

(Signed) COMMISSIONER OF OATHS.

/ML.

A F F I D A V I T

I, the undersigned, MARY PADE, do hereby make oath and say:-

On the evening of Friday, 6th April, I went to a reception to Dr. Bokwe at the Bantu Men's Social Centre. After the reception we danced and left at 2 o'clock. I, with three girls and Mr. Tsele hired a taxi to go to Alexandra. At Saratoga Avenue, we were stopped by a "pick-up" van and we were asked for our passes. Nurse Harriet and I did not have passes so the Police let the others go and told us to get in the van. We told the policeman we are respectable girls and asked if we could go home and report next day. The sergeant refused and we were told to get into the "pick-up" van. We were compelled to speak Afrikaans. The "pick-up" drove round for approximately half an hour and got another boy in a taxi for not having a pass.

Nurse Harriet and I were taken to the Hospital Hill Police Station and charged with being without passes. We were told we could go if we produced £1 each as bail. I did not have any money so was taken to the cell with Nurse Harriet. There was a girl in the cell asleep. Her fingers were cut because she had been fighting. The cell was filthy and smelling. There were no lavatory arrangements. There were no beds, and we had to sleep on mats which were very very dirty and also smelled bad.

At about 6 a.m., a lady wardress took us to the lavatories and brought us back to the cell where we were stripped. We were then given uneatable porridge without any milk or sugar. Then the police fetched us and took us to the charge office.

We walked to Eloff Street Police Court and were fined 10/- or seven days for not having a pass. A Native policeman lent me 10/- to pay my fine.

When I came out of the Court I saw my mistress' son who gave the 10/- back to the policeman.

DATED AT JOHANNESBURG this 18th DAY OF APRIL, 1934.

(Signed) MARY PADE.

SWORN BEFORE ME AT JOHANNESBURG THIS 18th DAY OF APRIL, 1934.

(Signed) A.J. SAFFERY.

JUSTICE OF THE PEACE AND COMMISSIONER OF OATHS.

ANNEXURE "C"

J.C.3.

I did not know women have to carry special passes now. I remember the talk about it some time ago, but I thought it was all over and that women were not supposed to carry passes. I seldom go out in the evenings, and have never carried any pass, and did not know I had to carry one.

Although my work is visiting sick people in Alexandra Township, I do not have to go out at night and do not often have to go into town.

Miss Cowles, my supervising nurse, urged me to go to the reception to Dr. Bokwe, and it never occurred to me that I had to carry a pass. Miss Cowles was there also, and if I had known I had to carry a pass she would have given me one.

When the Police stopped the van, they did not maltreat us, but told us to get into the "pick-up" van. We appealed to the two policemen to let us off, but they said they could do nothing, and told us to speak to the sergeant. The sergeant heard us talking, and said he could see we were decent girls, but he could not let us off, and we had to suffer because of other girls' faults. There are so many girls who steal things in the night.

We were then taken to Hospital Hill Police Station. At the Charge Office, I spoke to a policeman and told him that I had to be on duty at the Clinic next morning at 8.30 a.m. The girl with me was crying, saying "Oh, what will my mistress say". She asked them to 'phone her mistress, but I could not remember Miss Cowles' number. I, too, was terrified. The policeman told us to keep quiet, and not to make so much noise. We were not making a noise.

He then asked us if we had money to bail. I had money which did not belong to me so I could not use it. He wanted me to use it, but I refused because it was not mine.

There were so many men about that I do not know whether it was this policeman or another who took us to the cell, but the policeman said "Come along quietly, or I'll kick you". The conversation was all in Afrikaans, because the Police said we were not to speak English, although we speak more English than Afrikaans.

When we got into the cell we saw a woman waking up. She was lying down. She was in a drunken condition. Her clothes had blood on them, and her fingers were torn. She told us she had been fighting. There was no bed, only very dirty mats, and blankets which smelt very strongly of urine. The other girl and I could not use them and we curled up on the cement floor with my coat over both of us. We were dressed in our evening clothes which were, of course, clean. I was brought up to sleep in a clean bed. I have never slept in such a dirty place. There was no sanitary convenience, and the drunken woman had used the floor.

Next morning at about 7 o'clock, a white wardress came in and said we two girls must strip off all our clothes. We took off all our clothes in the cell. She searched through all our clothes. I do not know what she was looking for. She made us take off our earrings, bangles and watches. She took these and the money which I had and did not belong to me, and also the little money (about ninepence) which the other girl had. After we had dressed again, we had to carry these to the office. Before going to the office we asked the wardress if we could go to the lavatory. She let us go, but told us to be quick. Just

--after--

after dressing we were given a plate of very stiff porridge without sugar or milk. It looked too unpleasant to eat and the spoons were rusty.

We were then taken into the street and together with the woman who was drunk the night before, we were marched through the streets from Hospital Hill down Eloff Street to the court. I could not help crying and felt ashamed that anyone should see me being marched down like this. I felt like a criminal. I had never been in a Police cell before. Before we got to the court, a man I know who lives at Alexandra Township saw me, and asked what was the matter. I told him and he kindly lent me a pound.

We were taken into the yard of the court and we were made to sit there until the court sent for us. There were a great many other Native men and women there. There were also some white men. I could not help crying thinking of the disgrace of being in this place and also thinking that I had failed to help my patients, who would be waiting for me in my district.

We were taken out to the court (which, so far as I can remember was wood and iron), at 9 o'clock. We were kept outside. There were so many people there and so much talking that I could not understand what was going on. Then I was suddenly told to go into this building, and I heard a man say "Harriet, out at 2.30 a.m. without a special pass". He said "Guilty or Not Guilty". I felt stupid, but I managed to say "Guilty", and then he said 10/-, and I was marched out. I was then taken to pay the fine.

Since this has happened, it has been ringing in my head, and I feel that I have been disgraced. As I go round the district, I feel as if I have done some great wrong. It has made me very unhappy.

/ML.

COPY

April 13th, 1936.

The Commissioner of Police,
South African Police Headquarters,
Pretorius Street,
PRETORIA.

Dear Sir,

As Chairman of the Bantu Men's Social Centre, I wish to draw your attention to the following incident.

The Bantu Studies Society of the University of the Witwatersrand, with which I am connected, had invited the Gamma Sigma Club, a Debating Society of the Bantu Men's Social Centre, to come to the University on the evening of Thursday, the 11th instant, at 8 o'clock, for the purpose of a Debate on "The Transfer of the Protectorates to the Union".

About forty members of the Gamma Sigma Club attended, and, in the absence of transport facilities (trams or buses) for Natives on the route to the University, they came by second-hand taxis.

One of these taxis was stopped at the very entrance gate of the University by two of your officers, on motor-bicycles, and its occupants - all of them educated, civilised, law-abiding Natives - were queried concerning their destination. They explained what they were going to the University for, and they gave my name as a reference. Their explanation, which was perfectly truthful, was received by your officers with incredulity, one of them insinuating that they were liars ("As ek alles sou glo wat julle swarte kerels sê, sou ek baie maal in Hel brand"). I understand that their explanation was accepted only when a White member of the University turned up and confirmed that such a debate had been arranged. Even then, your officers insisted on being shown passes, or exemptions, and even "Specials" (at 7.45 p.m.!), and they took the names and addresses of all the occupants of the car. The conduct of your officers towards these Natives, who were committing no offence whatever, was overbearing and discourteous.

Now, I am fully aware that the Police Force has a difficult and unpleasant task in coping with the illicit liquor traffic and other forms of serious crime, and I am not objecting to their stopping cars whose occupants may reasonably be suspected of being engaged in some illegal business. But I submit that there was no reasonable ground for stopping a Native taxi at that point on Jan Smuts Avenue. Had your officers contented themselves with following the car to ascertain its destination, they would have found, in another hundred yards or so, that these Natives were going to the Main University Building for a meeting.

What I do protest against is, rather, that your officers, even after they must have realised their mistake, in no way expressed their regret, but instead tried to cover it up by demanding passes and even "Specials". Naturally, these respectable Natives feel that an unjustified humiliation has been inflicted upon them; and our University Bantu Studies Society feels no less humiliated by the knowledge that its Native guests were so treated at the very gate of the University.

The whole incident is not only unpleasant in itself, but it has a deeper significance. For, law-abiding and civilised Natives, such as the members of the Bantu Men's Social Centre, are

--constantly--

constantly made to feel by experiences of this sort that, whilst they receive quite insufficient protection from the Police against the lawless (amalaita) elements in the local Native community, they are themselves liable to be thus interfered with, and harassed by the Police. As a result, they feel, quite inevitably, sore and bitter and angry against the Police, and look upon the Police, not as the enemy of criminals, Native or White, but as the enemy of all Natives as such.

I submit that this is a most undesirable result of the present methods, and that it could largely be avoided if your officers, when unhappily they have made a mistake, were to treat the victims of that mistake with ordinary human decency and politeness, by expressing their regret for the error, and thus gaining the goodwill of the victims of that error. No one, surely, loses dignity by acknowledging a mistake.

Yours faithfully,

(Signed) R.F. ALFRED HOERNLE

CHAIRMAN: BANTU MEN'S SOCIAL CENTRE

/ML.

ANNEXURE "D"

COPY

May 9th, 1935.

The Commissioner of the South African Police,
Office of the Commissioner,
P.O. Box 449,
PRETORIA.

Dear Sir,

I beg to acknowledge with thanks receipt of your note (No. SAP.14/73/35) of April 30th, enclosing copy of a minute from the Deputy-Commissioner Commanding the Witwatersrand Division (No. WD.1/9527). I am very much obliged to you and to your officials for the trouble you have taken in investigating my complaint against certain members of the Police Force, in respect of their treatment of certain members of the Bantu Men's Social Centre.

The minute makes me acquainted with a fact of which I had not been aware, viz. that the taxi in which the members of the Bantu Men's Social Centre were travelling was an unlicensed one, and that Constable Greyling claims to have stopped it for that reason, and to have taken the names and addresses of the passengers with a view to bringing a summons against the driver.

The passengers in the car assure me that none of them were aware that the taxi was an unlicensed one and the Secretary of the Bantu Men's Social Centre, who engaged the taxi for the conveyance of members to the University, was not aware of the fact either, having found the taxi on a recognised stand for Native taxis.

The passengers further assure me that Constable Greyling, when stopping the car, never mentioned that he had recognised the car as an unlicensed one, or that this was the reason why he was demanding their names and addresses, and I notice that the Deputy-Commissioner's minute does not claim that the point of the taxi being an unlicensed one was ever mentioned by Constable Greyling, either to the driver or the passengers at the time when the taxi was stopped.

All the passengers in the car are unanimous in agreeing that, not only was the Afrikaans phrase, which I quoted in my previous letter, used by the Constable, but also that approximately half the conversation was conducted through the medium of Afrikaans.

In my experience, it is a very unusual thing for Afrikaans-speaking members of the Police Force, when dealing with Natives who are found to be able to understand and speak Afrikaans, to employ the medium of English. And I think your experience will agree with mine in this respect.

Finally, I wish to point out that the Deputy-Commissioner's minute does not deal in any way with what was, after all, my complaint, viz. that well-behaved and respectable, educated Natives were treated, on that occasion, by the Police officers in a way which made them inevitably feel bitter and offended.

--In--

In view of the conflict of evidence, it is not worth pursuing the matter further. I greatly regret that there should be this conflict of evidence, which leaves no option to any of us except to draw our own conclusions.

Yours faithfully,

(Signed) R.F. ALFRED HOERNLE

CHAIRMAN: BANTU MEN'S SOCIAL CENTRE

/ML.

J.O. 1/1/35

ANNEXURE "D"

Office of the Deputy-Commissioner,
Marshall Square,
JOHANNESBURG.

27th April, 1935.

The Commissioner of the
South African Police,
P.O. Box 449,
PRETORIA.

BANTU MEN'S SOCIAL CENTRE: : COMPLAINT AGAINST POLICE

With reference to your Minute SAP. 14/73/35 of the 18th instant, and annexure in the above connection, I have the honour to inform you that this complaint has been enquired into and the facts are as follows:-

At about 8 p.m. on 11th April, 1935, No. 12262 (F) Constable C.F. Greyling was on duty (Motor Cycle Patrol) in Braamfontein when a second-class Native taxi, with a full load of passengers passed by. As the car passed Constable Greyling, he recognised the registration number T.J.21693 as being that of one of the unlicensed taxis operating in the area. He immediately gave chase, sounded his hooter and signalled to the driver to stop. The driver accelerated and kept on the crown of the road. At the entrance to the University, the car was eventually stopped.

The driver of the car was Elias Shange, of Good Street, Sophiatown, well known to Constable Greyling. There were seven passengers in the car, an unlicensed vehicle under the Motor Transportation Act.

Constable Greyling questioned the driver and demanded an explanation as to where the passengers were being conveyed to. The reply was "to the University", which was confirmed by the passengers. At this stage, No. 16286 (F) Constable M.J.F. Jonas, another member of the cycle patrol staff, arrived.

Since the taxi was unlicensed, Constable Greyling demanded the names of all passengers. This they refused to give. He then demanded their registered passes which, after some delay, were produced and Greyling took a record of their names and addresses.

Application for summons against Elias has been submitted. In all cases of prosecution of unlicensed vehicles under the Motor Transportation Act, it is required that the Police produce a record of the names and addresses of the passengers conveyed.

/ML.

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