

Race Relations

ABX 30 0610

STUDENT CHRISTIAN ASSOCIATION OF SOUTH AFRICA.

SECRETARIES
BANTU STUDENTS:
GENERAL SECRETARY
MAX YERGAN, M.A.
TRAVELLING SECRETARY
G. B. MOLEFE.

TELEGRAMS: "BASCA," ALICE.
CABLES: "BASCA," ALICE, CAPE.
CABLE CODE: "MISSIONS CODE."

P.O. BOX 7.
ALICE, C.P.

OFFICE:
FORT HARE, ALICE, C.P.

June 10th, 1930.

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

Dear Dr. Xuma,

Thank you for your letter of June 4th. I am glad you have received the printed matter and that it helps to explain things.

I note what you have to say in regard to your paper. I am glad you have had a chance to read Dr. Brookes' article. You must not, however, think that that is the address he will deliver at the Conference, for it is not. He wrote that paper at our request principally to start people thinking on the racial question. I am fairly certain that that is not the line he will take in his address.

In a conversation which I had with Dr. Brookes some time ago, we were more or less agreed that he would try to deal with the subject, "The Christian Approach to the Racial Question", from the point of view of race prejudice as such, and not from the economic, industrial or political point of view. He speaks of race prejudice as a tremendous psychological factor or as an emotional manifestation, and he wants to discuss the subject with the thought in mind of how this psychological manifestation can be destroyed. His object will be to show that Christianity is the power which can take its place and thereby destroy it. That, I think, will be somewhat the line which he will take.

In regard to your address, we are particularly anxious to have you deal with the subject, as far as is possible and practicable, as it is worded, that is "The Christian Approach to the Race Question". I had thought that you could be a bit more personal by making known to the gathering some of the disabilities which we as an educated class live under. I had thought also

that /....

undated

Dr. A. B. Xuma -

that it would be possible for you to make a number of constructive suggestions which would show to the Europeans who will be present how we may cooperate in removing both the causes and the manifestation of racial prejudice. Here, of course, you should be free to deal with various aspects of the cause of such prejudice. I thought also that you might bear your witness in regard to your belief in the power of Christianity to displace prejudice between the races. While I do not wish to have you restricted in regard to what you are to say, it does seem to me that an address along the lines I have indicated, coming from you with your own cultured personality, will go a long way towards inspiring our own students who will be present, as well as towards helping the Europeans who will be present to acquire an altogether different idea of an educated, cultured black man. I might add that in my own address I shall have the same thing in mind.

While, as I have just said, we do not wish to restrict you in the content of your address, it will be necessary to ask speakers to observe certain limitations in regard to time. You speak of requiring an hour for your address. Under the conditions of the programme, I do not think this will be possible. There will, as you know, be two speakers on this subject; for which we have set aside an hour and twenty minutes. This means that we shall have to ask you to confine your address to thirty-five minutes. I do not think this should worry you a great deal, however, because when a paper is read one covers ground very rapidly, and a great deal can be packed into thirty-five or forty minutes. I am sure you will see and appreciate our great need for conserving our time. Please let me know what you think about my suggestion.

I have made note of your request that your travelling expenses be forwarded to you, and I will do this in due course. I recognise the fact that you will be coming to us at a personal loss, and I appreciate your coming all the more for that reason. I can easily understand that there must be difficulty for you at this early stage in building up your practice, and it is my desire not to have you make any more sacrifice than is desired.

We shall be very pleased to provide hospitality for you, and I will bear in mind what you have said in regard to same.

If you see Mrs. Maxeke, please say to her that her travelling expenses will be sent to her and that accommodation is being provided for her.

I /.....

Dr. A. B. Xuma -

I have told my wife that you are coming, and she is looking forward to the opportunity of meeting you. I think you are going to enjoy this Conference, and I hope you will come to it determined to get as much enjoyment as possible out of it as well as to make your very best contribution to it.

With kindest good wishes,

Yours sincerely,

Mr. Yergan

P. S.- Please send me Mrs. Maxeke's address. I have been writing to her care of Mr. Phillips.

personal

ABX 300612

Wife force

18th June 1930

Dr. H. S. Kuma.

104 End Street.

Pearson, Johannesburg.

I am sorry to worry you with letters. I never want to be a nuisance if I can help it. Along with the school work I had a personal matter to see you with, ~~about~~ I'm sorry I never can gather enough courage to face ^{you} with it. For it seems impossible.

My aim as a boy has also been to develop the theatrical music of our people as a profession besides my interest in the educational development of my people. I have a record of 215 compositions Jazz Modern Music or Syncopated Music as Taddie ~~Garratt~~ Garratt & Jack Payne call it.

I published a song with Eddie last year in June titled "Lango Steps" and payed £30 to do so. The arrangement was to be 15% on every copy and yesterday there was 10,000 copies sold of it that is up till now at 1/- a piece and I have ~~received~~ received £30 from them of course in drops not in bulk. I published the song that way so that with the assistance of Bartlett's name my name would be on the market. Now that has been done and I wish to produce and publish them independently of him. I had hoped that if I listened to Mrs Moraké's appeals of assistance and stuck to him even though there was not much in this work for me I would realise my dreams of a scientifically organised education of our Bantú people as well in music.

But as conditions are it is impossible to do so. I am prepared to sacrifice my personal interest on behalf of this school seeing to me it means "Dante Future." Yet I am a human being with all youth ambitions especially when they are in a field one is best-suited to.

I therefore make this appeal to you for financial assistance. I hope you will understand that if I succeeded in it I would be quite able to stick to Wilberforce in spite of all odds for then I would have a ~~practice~~ practice of income to assist my people. I wish to publish a South African ~~Quarterly~~ to be published if I can here or in Lovedale for the meantime and an album of 4 pieces at reduced rate is £60 instead of £120. but I can if I published myself publish it at

£30 a 4 piece album and as
you see from Daddies Numbers
I hope to make better, for that
song ^{I published} was only an experiment.

I ask you also to assist me -
not playing on your sympathy.
If you sympathise I can bring
25 of the most orchestral waltz dance
numbers on Tuesday out of the
numbers I have for without being
egotistical this music to me is not
a effort. These songs come as
naturally as words. So you can
see I cannot help having ambitions
that way. I write them simply in tonic solfa melody.

I write thus for I can never
have the courage to broach the
subject personally with you. I
have often made up my mind
to do so but gone away from
your presence as Buz is a rat.

Hoping my request will receive
your sympathetic consideration

I beg to remain

Yours

numbers

written numbers

Notes of a Meeting of a Deputation which met Major H.S. Cooke, Chief Native Commissioner for the Witwatersrand, held in the Court Room of the Native Affairs Building on Tuesday the 17th of June, 1930.

Present:-

Major H.S. Cooke - Chief Native Commissioner, Witwatersrand.	
Colonel H.S. Godley - Deputy Commissioner of Police, Witwatersrand Division.	
Major W.C. Loftus - District Commandant, South African Police, Johannesburg.	
G. Ballenden - Manager, Municipal Native Affairs Department, Johannesburg.	
Rev. Ray Phillips	M.S. Mankasana
W.C. Ballinger	M.L. Molefe
Selby Maimang	J. Dibetshe
D.S. Letanka	M.D. Mohale
Thompson Moteki	T.D. Mveli Skota
Phillip Stano	A. Sawasa
Rev. J. Mthapi	Colenso Vundhle
Chief Mandhlasilile Khosi	Dr. Xuma
J. Majero	L.T. Mosebaza
Moses Mphahlela	G.S. Mabeta
D.R. Mhakudi	A.J. Meko
A.P. Khoathi	D. Liphoko
M.P. Ramailane	R. Ngcoza
M.V. Sontunzi	and others.
B. Ngqaza	

Major Cooke.

This meeting is the result of a representation made to me by Mr. Letanka on behalf of the African National Congress, Council of Chiefs section. I am very pleased with the manner in which the statement of grievances has been drawn up and submitted to me and I welcome this opportunity of discussing these matters because I may be able to explain certain difficulties to you, and I and those associated with me may be able to appreciate better some of your difficulties. I have with me Colonel Godley, the Chief of the Police for the Witwatersrand, Major Loftus of the Police and Mr. Ballenden representing the City Council. These officers are well known to you and whatever you may say or think in regard to the treatment of your people on the Witwatersrand, you will understand that these leaders are sympathetic and understanding towards the native point of view. In

conducting this meeting now I wish to be helpful to your people and I want you also to be helpful to the Administration. A mere statement of grievances in a purely critical spirit is not helpful to anyone, and what you and I and others have got to aim at is that some measure of good should be derived from our discussions. With these few words I would like to again welcome you to the meeting.

Mr. Sketa.

I have been asked to introduce the deputation which includes leaders of the native members of the African National Congress, members of some Advisory Boards of the various Locations and members of the Joint Council. The Reverend Ray Phillips has been asked to attend and also Mr. Ballinger. I think Mr. Letanka would like to read the statement of grievances before we get on with the discussion. I forget to mention that the Industrial and Commercial Workers' Union of Africa is also represented. We have felt for some time that the way our people are handled by the Police is perhaps not known to the Officers of the Police and I think it would be wise to read the statement of grievances before we go on with our discussion. I shall, therefore, ask Mr. Letanka to read the statement.

Mr. Msimang proposes that the statement be taken as read; Major Cooke, after consulting the feeling of the meeting, agrees.

Major Cooke.

The first point you mention is the method laid down in the Regulations under the Native Administration Act of advising natives on matters affecting their interests and affording them opportunity to state any grievances. This

procedure is obviously laid down for the country districts where channels of communication with the native people are through their Chiefs. Now it may interest you to know what methods I adopt on the Witwatersrand to secure the same end. I make it a point to visit the Locations in Johannesburg once a month and in the other Reef districts as frequently as I can, usually about once in three months. I occasionally meet the Advisory Boards and I meet individual members of such Boards. The Native Commissioners on the Witwatersrand adopt the same practice. As you know, when Chiefs visit the Witwatersrand they all come to my office usually with letters of introduction from their Magistrates. I usually see any of importance personally and I always tell them to convey information to their people in regard to matters of interest and I particularly ask them that if they find there are any matters disturbing the minds of their people, they report these matters to me before they leave. It is also a principle that I have laid down in my office for many years that anyone who wishes to come and see me on any matter is admitted. You do not raise this matter as one of grievance, but I want you to understand broadly the methods that are adopted to follow the principles that are enunciated in this first portion of your representation.

Point 2 refers specifically to the arrest of a Native Chief of Rustenburg as illustrating the question of rounding up natives under the Pass Laws. I do not know that there is very much that I can say on the general principle of rounding up except that unnecessary harrassing of the native people should be avoided. The duty of the Police is to protect the public against all possible crimes. I am

aware that it has been accepted by the Police, more particularly recently, that increased activity, more especially under Section 17 of the Natives (Urban Areas) Act, in the removal of bad characters and loafers is one of the best preventatives of crime and I am also aware that raids have taken place in certain parts of the town and as a result of these raids many people whose passes were out of order have been arrested. It is claimed that this activity has very definitely resulted in a marked decrease in serious crime. It is for the native people who are amenable to what are regarded as somewhat oppressive Pass Laws to observe the Pass Laws and to avoid being unnecessarily arrested. I know individuals sometimes have very bad luck or misfortune in connection with this matter. Individual cases are constantly coming to my notice and where there appears to have been any harsh treatment, these cases are taken up and I must say that they are always sympathetically considered by the Chief of Police for the Witwatersrand.

In regard to the particular case of the Chief from Rustenburg, this matter is still under enquiry, but there are certain features in connection with it. On this man's own statement made at my office immediately after the occurrence he says that he received a telegram and a letter informing him of the illness of his wife on the 16th of May. Now, if he received the letter on the 16th of May he must have received the telegram probably two days before this date. In response to that letter and telegram he left his home to come to Johannesburg on the 21st of May, so that, on his own showing, there was an interval of at least five days between the date that he received information and the date of his leaving Rustenburg. It would, therefore, seem that he had sufficient time to properly equip himself with the

necessary document. Possibly, I do not know whether it is so or not, he is a Chief who is authorized to sign passes himself. If that was so, it was unfortunate that he did not provide himself with documents showing who he was and what he was coming to Johannesburg for, as it is impossible for the Policemen in the streets to know whether a man is a Chief or whether he is not. The report that I received from Marshall Square in regard to this matter is to the following effect. The Detectives who arrested the Chief in Ferreira's town on the morning of the 22nd of May for having no pass had no means of knowing his identity and beyond saying that he did not carry a pass, no explanation was given for his failing to produce one. The enquiries establish that no violence was used and that the Chief was released immediately his identity was established. The matter has been referred to the Additional Native Commissioner, Rustenburg, and this is all I can tell you about the individual case at the moment.

Point 3 that you mention is -

"We believe it is within the knowledge of the Native Affairs Department, the City Council and the Police that there is at the moment a serious state of unemployment among the African peoples while the depression, which we understand is world wide, is felt more by our people in the rural areas. The unemployed are increasing almost daily. (This statement we make only from personal observation. We have no statistics with which to support it). We should be grateful if we could be informed what steps the Native Affairs Department has taken to warn African Natives throughout the country against coming to industrial centres in search of employment which is at the moment unobtainable except on the Mines, so that those who do not want Mine employment may be saved the trouble of coming up to Johannesburg only to fall into the clutches of Police raids."

To assure you that this question is not haphazardly dealt with, I would like to tell you what exactly happens in regard to it. In order to ensure that not more labour

comes to the Witwatersrand than can be absorbed, I have several means of watching the position and this position is very carefully watched both by myself and my senior officers. I get every day the increases and decreases of employment on the Mines. This is what I call my daily barometer of native labour. Every day all the increases and all the decreases, the discharges and everything else are written into this book (exhibited) and come before me every morning, so that I know exactly what number of natives are in employment on the Mines at any date. In addition to this, natives seeking employment other than on the Mines go to the Reception Depots at Pass Offices where they are given passes to look for work for a period of six days. The officers who issue these passes have discretion to add another six days to a man's pass to look for work. Any natives who fail to find work after the second period of six days come before two of my senior officers and they enquire individually from the natives as to the reasons why they failed to find employment and it is only by these two officers that a man is ordered to leave the district because he is unable to find work - so that I know from week to week how many natives are having difficulty or are finding it impossible to find employment. These natives are recorded from week to week and I may tell you that in March last I was getting a little anxious about the position. I have on previous occasions sent telegrams to Chief Native Commissioners asking them to advise natives to go slow as regards coming to the Reef, but the facts did not, in my judgment, warrant my doing so on this occasion. In 1927, for the first five months, there were 237 natives who found it impossible to find work in Johannesburg; in 1928 the figures were 609; in 1929, 105; and in 1930, 263. In

order to ensure that natives who come to the Witwatersrand in search of work should have the opportunity of employment of every class, I have allowed certain people in Johannesburg to engage natives here for employment elsewhere.

Through the instrumentality of these agencies employment has been found for 4,000 natives, which include work on the Natal Collieries, the Transvaal Collieries, the Manganese Mines, the Platinum Mines, Railway construction, road construction, timber cutting and farm labour of every description throughout the Union. If and when, therefore, a native says he cannot find employment, it may be generally stated that it is the particular class of employment on which he has originally set his heart. You will, thus, see that there is ample opportunity for a man who really wants to earn a wage to secure that wage in the labour market, which at this time, when in many of the countries of the world there is much unemployment, must be regarded as a very satisfactory and happy position. I am always reluctant to cut off labour by wiring to the Territories because it is disappointing to the labourers and it is unsettling to the whole labour market which takes a very long time to get back to normal.

Point 4. You question the right of the Police to arrest natives for not having special passes and you have correctly stated the position in the matter. Under the amended Regulations, a Service Contract is a sufficient pass for a native except during the hours of the night prescribed by the Night Passes Ordinance, so that a native cannot be legally arrested who is in possession of a properly valid service contract. Natives employed on the Mines are (under a different set of Regulations) required

to carry special passes. I am emphatically assured by the Police authorities that natives other than Mine labourers are not arrested in these circumstances, so that if there are any cases where it can be established that natives are so arrested, they should be brought to my notice.

Point 5. You refer to the question of Night Passes, more particularly in places which can be regarded as Native Townships but which are not Native Townships as defined in the Natives (Urban Areas) Act. The position is that power is given under the Natives (Urban Areas) Act, as recently amended, for the Local Authorities, that is the Municipalities, to prescribe the hours during which night passes should be carried and this old Night Passes Ordinance then ceases to exist. Therefore, the point that you make that the residents of such townships should be relieved altogether from carrying night passes is a matter which will have to engage the attention of the City Council. I think that you will find that the City Council is sympathetic towards the question of this night pass question and that the hours will be extended to 10 or 10.30, which will be a general relief from this burdensome provision. In regard to such places, in representing this matter, I think, you should bear in mind that it is not an unmixed blessing to entirely withdraw the application of this provision as you must realize that the unrestricted rights of natives to wander about at all times of the night may not be in the interest of the law-abiding residents. There are also coloured people, Asiatics and a few white people living in these townships, so that this matter is one which, I think, you should carefully consider and you should put up a considered representation on the subject in respect of these

townships to the City Council. The matter is, therefore, one for future consideration.

Point 6. You raise here a very important principle and one which presents certain difficulties. It comes down to this that you want a maximum opportunity for natives who are arrested to get in touch with their friends so that bail may be secured or fines paid and you also raise the point that where possible men who are arrested for minor offences should be brought to trial by means of a summons instead of under arrest. I have before me one of the Circulars issued to Police which reads as follows:-

"With a view to overcoming the difficulty experienced under Section 116(2) of Act 31 of 1917, whereby members of the Force under the rank of Sergeant are prohibited from accepting bail in petty cases, the attention of all ranks concerned must be drawn to the fact that the liberal use of the power to summon persons for committing minor offences would go far to remove any difficulties which are being experienced by the Police under the abovequoted Section at the present time.

"Warnings and Summonses must, therefore, be resorted to whenever possible and all Officers concerned will be good enough to act accordingly."

I am informed that all Municipal cases outside Locations and Native Townships and all By-Law cases are treated by summonses except where there has been an accident and the offence may develop into a serious criminal action. I have before me the ordinary daily state dealing with Marshall Square which shows that in every single one of these cases the employer of the native concerned has been informed of his arrest and I am assured that this is the daily practice where it is possible to do so. Now I want to tell you that I am very much in sympathy with this proposal of yours in regard to the treatment of the maximum number of cases by summonses instead of by arrest and I

propose discussing this question with matters which you have raised, with the Chief of the Police in order to endeavour to secure even a more liberal use of this method of summoning and of warning in cases where it can be shown that the native is not likely to disappear as in such cases referred to by Mr. Maimang.

Mr. Skota.

Major Cooke and gentlemen, one of our speakers, Dr. Xuma, is anxious to get away. He is a professional man. He would like to say a few words.

Permission given to Dr. Xuma to speak.

Dr. Xuma.

Major Cooke and gentlemen, I must say that we thank Major Cooke for what he has said so far, but as he was going along it appeared to me that as this is the first time on which we have come into contact with some of these officials and in view of the interest we have in the matter, it suggests itself to my mind that after Major Cooke has made his statement it would be really desirable that we should be given the opportunity of retiring to have his full statement transcribed and to draw up a well-considered reply to the statements of Major Cooke. This is our first opportunity of seeing our Chief of the Police, but now we do feel that in order to do justice - because we want to be fair - we should be given this opportunity so that we can make a well-considered statement after we have been furnished with a copy of what Major Cooke has said as there are certain points which we have to consider on both sides. I suggest that we should be given the notes of this meeting for our consideration and we will then give our well-considered reply and a constructive criticism.

- Major -

Major Cooke.

I see no objection to the course suggested if it is the desire of the meeting. I would like to make it plain, however, that I do not want you to make propaganda of this statement and publish it in the press. I want to be perfectly frank with you. I do not want you to raise this as propaganda. If Dr. Xuma's intention and the spirit which, I think, is behind it is the one which I have in mind that we may come together and help in the relief of the native people, I am entirely with it. If it is with any idea of propaganda and the stirring up of trouble, I am entirely opposed to it.

Mr. Msimang.

I think that before this conference comes to any definite arrangement, it would not be wise to publish this statement at all. It should be treated as a condescension by the heads and after we have come to an understanding, I propose we would be free to make a report to our people in the best way possible.

Dr. Xuma.

We want to get the statement as from the stenographer's report so that we can get it in full. While we follow Major Cooke, our memories are not such recording machines as the shorthand and we cannot remember everything and are sometimes likely to misinterpret what Major Cooke has said by trying to think what he possibly meant by some statement, but if we have the accurate statement there is no chance of making a mistake. As far as publication is concerned, there is no necessity to publish the statement in the press. True, Major Cooke, I would like that we arrive at a common understanding and try to co-operate. The psychology of

the native is that he does not want to be wiped out, so we want to come close to you and we want to try to interpret the native to you and then to go back to our people and when we get a fair and well-considered statement we will interpret your point of view to our people and will consult with them as to a very reasonable and satisfactory answer to both sides of the community. I am not anxious to get out of what we have stated. We are not out for propoganda, if we were we would not have come to this office and approached you in the moderate terms that we have tried. We feel that when we make a petition we must be heard.

Major Cooke.

The point that I want to emphasize is that the object of this meeting should be one of helpfulness and not merely one of criticism. I accept the proposal.

Dr. Kuma retires.

Major Cooke.

Point 7.

"Africans in the awaiting trial prisons, both at the
"Police Stations and at the Fort, and even at the
"Magistrate's Courts, are not allowed to be seen by
"their friends, take any messages to or from them.
"They are condemned immediately they are arrested. At
"the Magistrate's Court they are so cut off from all
"contact with their people that they can scarcely
"arrange for their own defence, except to employ a
"Solicitor who alone is privileged under a permit to
"see them. If it is not possible to relax this rule
"somehow, we strongly recommend the appointment of
"welfare officers at all Police Stations and in Court
"whose business would be to see every prisoner and
"give him or her what assistance he or she may re-
"quire by way of arranging for his defence, issuing
"subpoenas to his witnesses and getting in touch with
"his friends and employers. We appeal to the Chief
"of the Police and the Chief Native Commissioner to
"give this matter their serious consideration. It
"would be a humanitarian act in every way."

This is a matter of considerable difficulty. Firstly,
the Magistrates' Courts as at present constructed do not
lend themselves to the seeing of the accused persons by

their friends. Secondly, it has been found that the admission of natives to the awaiting trial yard has resulted in a large number of touts for various interests representing their clients and acting in a way decidedly not in the interest of these native people. The officials have laid down the principle that access to these yards is only under permit or note given by a senior Prosecutor and it is for him to exercise a wise discretion in regard to the persons whom he admits to see the prisoners. I have already advocated and am prepared to again advocate that the Government assist by the appointment of an additional or more than one probation or welfare officer who would definitely find out whether and in what way they can give them any assistance. If you as a congress desire to appoint somebody without charge to the Government, something could, perhaps, be done on these lines, but it is not a matter that arises purely in regard to the Johannesburg Courts, it arises naturally throughout all the Courts in the country, and I am afraid that any representation I may make to the effect that a more liberal number of probation officers should be afforded is not likely to receive very sympathetic consideration from the Government at the present time when, as you know, there is financial stringency. If there is anything that you can suggest that is likely to ameliorate the position in the interests of the natives and at the same time not act to the prejudice of the proper control and treatment of native prisoners at the Courts, I should very much like to consider it. I am informed by Colonel Godley that it is the normal practice at Police charge offices to allow all reasonable access to natives by friends bringing them food and by natives who wish to pay their bail or who

desire to consult them and help them as long as the Police are satisfied that it is a bona fide application.

Point 6. In regard to this point you say -

"Complaints have frequently been made that persons
"arrested on suspicion are usually flogged at these
"Police Stations. We, of course, do not know the
"true facts, except a case of a man who is now in the
"Mental Hospital, Pretoria. He was assaulted at
"Braamfontein Police Station. He and another were
"arrested for boarding a train while in motion. They
"both had their passes and contracts of service, but
"were not allowed Police escort to their places of em-
"ployment. Because this man insisted, his insistence
"annoyed the native constable who pounced on him,
"assaulted him until the man fell unconscious. He was
"then dragged into the cells. About midnight the
"hospital ambulance was sent for. He remained in
"hospital for two days. The sequel to this is that the
"man is now in the Mental Hospital. We refer to this
"case in support of the contention that in such petty
"offences accused persons should be brought to Court by
"means of a summons where their addresses are obtain-
"able."

I have to say that the allegation of general assault by the Police is emphatically denied by the Police authorities and also, needless to say, if and when any concrete cases of this sort are represented to me, they are fully investigated. In regard to the particular instance quoted, as far as I can make out, it is in respect of two natives who were arrested by the Railway Police and I have the Police docket in front of me dealing with this case. The statement of a Sergeant at the Charge Office where the native was brought in gives you the position from the point of view of the Police. He says -

"On the 1st December, 1929, I was on Charge Office
"duties at Braamfontein. At about 7.10 p.m. Constable
"McLean of the Railway Police brought two natives to
"the Charge Office and informed me that he wished to
"charge the two natives for boarding a train at Braam-
"fontein Railway Station whilst the train was in
"motion. I accepted the charge.

"I instructed Native Constable Zachariah to search
"native Alpheus who was charged first. As the Native
"Constable went up to the accused latter made a rush
"at the Native Constable, caught hold of him by the
"tunic and at the same time struck the Native

"Constable in the face. The Native Constable then
"caught hold of the accused and they both fell to the
"ground and the accused put up a fierce struggle and
"kicked at the Native Constable in the face, breaking
"the skin. Both Constable McLean and I assisted to
"overpower the accused. The accused was mad with
"drink. He was charged a second count of assault on
"Police. The accused was very violent.

"Later during the night the accused complained of
"pain, and he was removed to the Non-European Hospital
"per Municipal Ambulance. When the case was called
"for hearing on 2.12.29. the Public Prosecutor was
"informed that the accused was in Hospital, and there-
"upon withdrew both charges against him.

"The case was later re-opened and on 15.1.30. the
"accused, Alpheus Site, was (1) cautioned and dis-
"charged on the charge of boarding a train whilst in
"motion and (2) fined £2 or 14 days I.H.L. on the
"charge of assault on Police."

Now, this man was charged and dealt with at the Court on
the 15th of January. He was actually removed to the Mental
Hospital on the 1st of April, 1930, - three months after-
wards. While on the facts - I have perused the whole
docket - it would seem to me that this man either through
drink or dagga smoking was suffering from a deranged mind,
he probably would have been more appropriately treated if
he had been sent to the Mental Hospital before he committed
this offence, but the fact of his being sent to the Mental
Hospital three months after his case which is referred to
does not seem to me in any way to be part and parcel of
the facts arising out of his original offence of boarding
the train while in motion. The inference that he was
assaulted in the Charge Office and then as a result sent to
the Mental Hospital does not seem to me a justifiable in-
ference on the facts.

I think I have covered the ground as far as this
memorandum of yours goes. There are several points which
I will discuss with Colonel Godley when we may be able to

unify Police methods to a greater extent and develop what you might call a better complex or attitude of helpfulness towards the treatment of these native cases among the rank and file of the Police.

Mr. Naimang.

Major Cooke, since we have come to this arrangement that the Chief Native Commissioner will furnish us with the statement of the various matters that have been placed before us in reply to our memorandum, I think all we can do is to thank you for making it possible for us to see you. I can promise you, Sir, that the document will receive the proper attention of this deputation and we shall do everything possible to make what suggestions we can to make the hardships less severe than they are. There is one other point. We have a suspicion about the case of Alpheus. He was arrested on the 1st of December and was admitted to hospital. Two days after he was released. He goes to Hospital Hill Police Station on the 4th of December to lodge a complaint against the Native Constable. No action was taken by the Police to prosecute the Native Constable and on the 15th of January it was thought necessary to revive the original charge against him and bring him before the Court.

Colonel Godley.

The charge was not proceeded with in the first instance because it could not be proceeded with as the native was in hospital. The charge was only withdrawn for the time being.

Mr. Naimang.

My trouble is - this native having laid a charge against the constable for assault, would it not have been better to have brought this Native Constable before the

Court to stand his charge for assault to this native?

Nothing was done.

Colonel Godley.

This is where I want to make it clear to you. Alpheus brought a charge against the Native Constable but he did it through Mr. Ritch his Attorney and he wanted to bring an action for damages. The whole thing went to the Government Attorney as representing the Government and to the Public Prosecutor. The Police had nothing whatever to do with it. The Public Prosecutor then refused to go on with it.

Mr. Maimang.

On the 4th of December he made his complaint and went to Hospital Hill charging this Native Constable for assault on him. No steps were taken. The Civil action was commenced after the criminal action. Why did not the Police take action immediately the native laid his complaint against the constable for assault?

Colonel Godley.

Action was taken. We started enquiries and investigations and got statements from everybody, but on the facts the Public Prosecutor refused to prosecute and the Attorney withdrew the Civil action.

Mr. Sketa.

There is no other speaker and after the suggestion that has been made, it is not necessary for us to go any further into the matter. There is just one other point, that is the employment by the Police of plain clothes men to demand passes in the streets. That has created another problem. There are numbers of persons who pose as Police and go about demanding passes. There are several such cases. Only the other day we were informed about a man

who approached a native sitting in a car and demanded to see his pass. The native went to get his pass and when he returned he found that everything from the car had disappeared. These cases go very far. Natives are often man-handled. It seems to me that the employment of plain clothes men by the Police has created a problem that has to be considered before it goes too far. We thank you very much for giving us this hearing.

Moses Mphahlela.

On behalf of the native people and the delegates who are here I beg to thank you for the sympathetic hearing you have accorded to us. What we want to impress upon the authorities is that we as children would like to be treated fairly and sympathetically. Now sympathy is sympathy; as one gentleman one day described it, he does not want only sympathy. He wants something tangible that will be given to us. Another gentleman speaking at our meeting one day, after Mr. Ballenden explained that he was sympathetic to us, said that sympathy was only a cheap commodity. While we would like the Police authorities to say that they have got sympathy, they must practically show it. Thank you very much for giving us this hearing, and according to our native custom when we have met a chief like Major Cooke, Colonel Godley and Major Loftus, when we leave here we expect to find an ox lying down slaughtered outside.

Colonel Godley.

Major Cooke, I am only going to say a very few words. I would like to say that I am very grateful for the opportunity that has been given to me of being here this morning and I have listened with great interest to what you have said and certainly as far as I myself am concerned and

Major Loftus, the District Commandant of Johannesburg, we shall discuss all these points which you have brought up very carefully and if we find any way of eliminating some of your difficulties, I can assure you that we shall do it. I would, however, like you, if you would for a moment, to understand my position. As Chief of the Police for the Witwatersrand I am responsible for the law and order and for the protection of life and property to the best of my ability and that responsibility must rest on me and the officers under my supervision, and for that reason, I dare say, it sometimes appears to some of you that the Police are unduly harsh. You must always remember this - the Police do not make the laws. The Police may not even agree with many laws that are made, but, at the same time, once a thing becomes law we have no option but to see that it is complied with and we have to do it whether we like it or whether we do not. That is actually the position. As far as I am concerned, I can tell you honestly and sincerely that I have lived in this country and in most of the Native Territories from the Zambezi down to Capetown and I think I know your people as well as most people in South Africa and I know your difficulties. I can assure you that as far as possible it is my wish that the law should be administered by the Police fairly and justly to all sections of the community be they white men, natives, Chinamen or anyone else and I think that I can say on the whole this is the general attitude of the Police in Johannesburg. That occasional mistakes are made and injustice done I know must be so, but in every instance where these particular cases of injustice have been brought to my notice and I have been able to get sufficient proof to prove the cases, I have

seen that, as far as possible, the injustice has been rectified and if it is a member of the Force who was responsible for it, that he was adequately dealt with; but you must remember, and I know all of you sitting in this room know it, that you have a certain type of native in Johannesburg and on the Reef - Johannesburg in particular - the two chief objects of whose life seem to be to evade complying with the law in regard to taking out his pass and registration certificate, and also in avoiding doing any, what you may call, legitimate work. I do not say that this class of native is in the majority because he certainly is not, but there are a very large number of such natives. Now it is these natives that we as Police want to clear the town of for your own good just as much as for the good of the white people. It may surprise you to know that I very often have had deputations from various locations here in Johannesburg asking me if I could not take more drastic steps to protect the law abiding and well-living natives against these other natives such as I have just described to you. I may tell you too that among these natives whom we now round up in these periodical raids we find many who have not had passes for months; others have had passes to look for work which have expired for months and months. These natives are not in any employment and they are the natives who, to a very great extent, are responsible for the assaults which are committed on other respectable natives of the town and for the cases of housebreaking and theft in the suburbs; and this, I can tell you, we have proved over and over again because even within the last few weeks numbers of these natives through the finger print system have been definitely connected up

with very large numbers of housebreaking and theft cases which have occurred throughout the town. Now that is all I want to say to you, except that if at any time any section of the native population consider they have a concrete case of complaint against the Police, both I and Major Loftus would be only too ready at any time to receive a deputation. Thank you.

Mr. Ballenden.

I want to say a few words on the 9 o'clock Pass Law. Major Coeke has told you that the amendment to the Natives (Urban Areas) Act gives the Privy Council power to make amendments to the Pass Laws. I want to tell you that a new By-Law will be in the course of preparation very shortly and will be revised in consultation with the Chief of Police and Major Coeke. I feel I am fairly safe in assuring you that there will be considerable alteration and a certain amount of relief will be given to many of you, if not all of you, but I must tell you this, that it will not be withdrawn.

Mr. Ballinger.

Major Coeke and gentlemen, Mr. Heimang wishes to thank Colonel Godley for what he has said. I have been extremely interested during the whole morning in the points that have been raised and the replies that have been given. I am not unmindful of the difficult task which you have in administering a town and country such as this where at least two different races are involved. I would like to point out this to you - we heard you say to us this morning that you, Colonel Godley, are not the person who makes the law but you administer the law. There is the tragedy. That is where the whole trouble arises as I have seen it in

other countries. When you tell us that you have to administer laws with which you may not necessarily agree, surely we have a right to ask of you that you should also make representations in regard to them! Has this ever been done by the Authorities? Surely it is wrong in principle altogether that a person should be convicted under a law and sentenced under a law and at the same time you know you are carrying out the law which you know is wrong! You say you are sympathetic to the aspirations of the native people. We have been discussing this morning or points have been raised in connection with administration, but the real thing has not been touched in any of the documents that have been placed before you. The real trouble is the economic position of the natives. They want greater wages. Their wants are greater and it is a question of more wages and a better standard of living. The Government has appointed Mr. Barrett to ascertain the difficulties of the native people industrially and in the rural areas so far as wages are concerned. Might I make the suggestion that you convene a representative meeting of employers and the authorities in this town to see where the trouble arises with the native people and many of these laws which are considered necessary by the authorities can then be thrown on one side if the natives were given a better standard of living more in conformity with the new life in which the native people find themselves. You could convene a meeting of the authorities similar to what was held at Port Elizabeth and ascertain what should be the minimum living wage for the native people in this town. Might I also suggest that you take it upon yourself to travel round about this district some evening and see what

is actually done with the natives who are rounded up and then marched off. You will be disgusted. You will see to it that it is altered at an early date. The whole system is entirely wrong. You need not go out in the evening. Go on a Sunday afternoon along any of the country roads and you will see them being rounded up. The whole thing is totally degrading and ought to be put an end to at an early date.

Major Cooke.

The notes of this meeting will be sent to the Secretary of the African National Congress and after you have discussed them and formulated any proposals, you will advise me and we will arrange a date for a further meeting. Mr. Ballinger has thrown out a suggestion. It does not arise out of the submission you have made, but I am at the moment very concernedly considering what representations I am to make to the Economic Commission. It is a matter on which I feel very strongly and I propose putting evidence before that Commission.

/JE.

19/6/30.

Collection Number: AD843

XUMA, A.B., Papers

PUBLISHER:

Publisher:- **Historical Papers Research Archive**

Location:- **Johannesburg**

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