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MEMORANDUM

submitted by the

SOUTH AFRICAN CONGRESS OF TRADE UNIONS

to

DELEGATES TO THE FORTH-FIFTH SESSION OF THE

INTERNATIONAL LABOUR CONFERENCE

(GENEVA, 1961)

concerning

CERTAIN ITEMS ON THE AGENDA OF THE CONFERENCE.

	<u>Page</u>
<u>I. INTRODUCTION.</u>	1
<u>II. REDUCTION OF HOURS OF WORK.</u> (Item 4 of the Agenda - Second discussion)	2
<u>III. WORKERS' HOUSING.</u> (Item 5 of the Agenda - Second discussion)	3
<u>IV. EMPLOYMENT PROBLEMS AND POLICIES</u> (Item 6 of the Agenda - General discussion)	6
<u>V. VOCATIONAL TRAINING</u> (Item 7 of the Agenda)	7
<u>VI. EQUALITY OF TREATMENT OF NATIONALS AND NON-NATIONALS IN SOCIAL SECURITY.</u> (Item 8 of the Agenda).	8
<u>VII. CONCLUSION.</u>	9

MEMORANDUM SUBMITTED BY THE SOUTH AFRICAN CONGRESS OF TRADE UNIONS TO DELEGATES AT THE FORTY-FIFTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE (GENEVA, JUNE, 1961) CONCERNING CERTAIN ITEMS ON THE AGENDA OF THE CONFERENCE.

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## I. INTRODUCTION.

This memorandum is submitted to delegates at the forty-fifth session of the International Labour Conference (Geneva, 1961) by the South African Congress of Trade Unions (S.A.C.T.U.)

S.A.C.T.U. is a co-ordinating body with 51 affiliated trade unions comprising 53,000 workers of all races. Of these approximately 35,000 are Africans, 8,400 Coloureds, 3,500 Indians and 500 Europeans (whites). S.A.C.T.U. is the only trade union federation in South Africa which does not practise racial discrimination; it is open to all workers, irrespective of race, colour, nationality or sex. The other trade union federations are the S.A. Confederation of Labour (144,354 members) and the S.A. Trade Union Council (160,477 members) both of which exclude African workers from membership, and the Federation of Free African Trade Unions of South Africa, which excludes Indian, Coloured and European (white) workers from membership.

It must be pointed out that of the 1,900,000 workers in industry and mining in South Africa, about 1,250,000 are Africans and the remainder are Indians, Coloureds and Europeans. Accordingly the ratio of Africans to other workers in SACTU is similar to the ratio of Africans to other workers in the total industrial and mining labour force. There are, in addition, about 1 million agricultural labourers nearly all of whom are Africans and Indians. S.A.C.T.U. is the only body catering for these agricultural workers and it is conducting an organising campaign amongst them.

As is well-known, the Government of South Africa practises a policy of racial discrimination contrary to the Constitution of the International Labour Organisation and to the Declaration of Philadelphia. Up to June, 1958, the Government of South Africa had ratified only 11 out of 102 Conventions of the International Labour Organisation.<sup>+</sup> In particular, it has not ratified Conventions No. 87 (concerning Freedom of Association and Protection of the Right to Organise) and No. 98 (concerning the Application of the Principles of the Right to Organise and to Bargain Collectively) and the official policy of the Government, as stated by the Minister of Labour in 1953, is "to bleed the African trade unions to death." In pursuance of this policy trade union officials have been removed from office or confined to certain areas and prohibited from attending meetings, or banished to remote country areas; trade union offices are continually raided by the police; trade union meetings are prohibited (most recently for a period of three months from March 31st, 1961. All gatherings in South Africa have now been banned until June 26th). African trade unions are denied the right to occupy premises in urban areas; workers who participate in trade union activity or strikes are often ordered out of urban areas by Government "pass"(influx control) officials; strikes of African workers are totally illegal and no collective bargaining machinery for African workers exists. In fact, the Minister of Labour expressly stated in 1960, that he was not prepared to extend the system of collective bargaining to Africans.

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<sup>+</sup> African Labour Survey, I.L.O., Geneva (1958) Table 35, p 692.

The Government of South Africa has also refused to ratify Convention No. 111 (concerning Discrimination in Respect of Employment and Occupation) and consistently applies policies of racial reservation of jobs for 'whites' only, contrary to that Convention. In the trade union field 'mixed' trade unions (comprising members of more than one racial group) are not registerable under the Industrial Conciliation Act, 1956<sup>+</sup> which contains the country's limited collective bargaining machinery (for Europeans, Coloureds and Indians only).

For these and other reasons, S.A.C.T.U., the only trade union federation open to workers of all races and which consistently upholds the principles of the I.L.O. and therefore vigorously opposes the racial and anti-trade union policies of the South African Government, believes that it is the most representative body of the workers of South Africa. The South African Government, however, has year after year refused to consult with SACTU in the appointment of the workers' delegation to sessions of the International Labour Organisation. This year, S.A.C.T.U. has lodged a fresh objection with the Credentials Committee against the credentials of the South African workers' delegation. S.A.C.T.U. believes that because it has had no say in nominating the workers' delegate, the South African delegates, who have no claim at all to speak on behalf of the African workers, will not put forward the viewpoint of the majority of workers on the important items on the agenda of this year's Conference.

To correct any false impressions which are thus created as to the position in South Africa in regard to the matters to be discussed at this session of the Conference, S.A.C.T.U. respectfully presents delegates with this memorandum for their information.

We must point out that in view of the continual seizure of documents from our offices and homes by the South African Police, we are no longer in possession of all the documentation which we should like to place before the Conference, and, of necessity, this memorandum must therefore be somewhat less detailed than would otherwise be the case. The latest raids took place during April and May, 1961.

## II. REDUCTION OF HOURS OF WORK

(Item 4 of the Agenda - Second discussion).

At present most factory workers work for a maximum of 46 hours a week, besides overtime. The normal working day is 9½ hours with a five day week. In some factories the working day is 8 to 8½ hours from Monday to Friday and up to 5 hours on Saturday. In a few industries, by industrial agreement, working hours are less than 46 hours a week.

The 500,000 mine workers in South Africa have a 48 hour week on eight hour shifts. Railway and harbour workers (all employed by the State) also have a 48 hour week.

Shop assistants and office workers work from 42 to 47 hours a week, the normal working day being 8 hours with a 5½ day week.

Farm labourers (of whom there are about 1,000,000) and domestic workers (300,000) have no fixed hours of work. There is no legal re-

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+ It must be noted that there is no prohibition at present on 'mixed' co-ordinating bodies, i.e. trade union federations comprising unions of workers of different racial groups, and whether registered or unregistered. S.A.C.T.U. is the only body which does cater for all unions in this way.

straint on employers as to the maximum length of the working day for these workers. On most farms workers labour from dawn to dusk and up to 72 hours a week. It must be remembered that there are many thousands of convict labourers serving sentence in "farm jails". Their conditions of work on the farms are arbitrary and their working day is always long and arduous.

Domestic servants usually live on the premises of their white employers. This increases their servitude and they are at their employers' beck and call at all hours.

There are two additional factors affecting hours of work in South Africa.

Firstly, a considerable amount of overtime work at low rates (usually time-and-one-third or time-and-one-half on week days and double time on Sundays) is done in certain industries. Overtime work is a feature of the lives of many factory workers because African workers who do not earn overtime rates do not have enough money to pay for necessary food, clothing and shelter. A recent survey in Johannesburg<sup>+</sup> showed that the incomes of at least 50% and possibly 75%, of African families is inadequate to buy the basic essentials of life. "To ensure that standards of consumption set in the theoretical minimum budget are maintained" the survey found that the average family income (with both husband and wife working in most instances) would have to be at least £16. 10. per month higher than at present (i.e. nearly double the present family income). African workers are therefore dependent on overtime rates to supplement their low wages.

Secondly, the system of racial discrimination in South Africa results in African workers spending long hours travelling to and from work every day. Apartheid segregates African factory workers into "locations" up to twenty miles from their places of work. Many African workers have to leave home at 4 a.m. every day to be at work at 7 a.m. or 7.30 a.m. They return home as late as 8 p.m. or 9 p.m. This, in fact, extends the 'working day' by as much as 6 hours. It means that most workers have no time, except on Sundays, to rest, to enlighten themselves, to participate in social, sporting, political and cultural activities. In any event, facilities for activities of this kind by African workers hardly exist at all.

The universal demand of the trade unions in S.A.C.T.U. (and many other unions) is, therefore, for a 40 hour week, and an eight hour working day. The Government, however, and many employers, use the system of racial discrimination as a weapon against this legitimate demand. Racism is used to deprive Africans of democratic and trade union rights by means of which they could press home their demands. For this reason it is not surprising that the demand for a shorter working day in South Africa is closely linked with the general demand for the ending of racial discrimination and oppression.

### III. WORKERS' HOUSING

(Item 5 of the Agenda - second discussion).

Lack of housing and high rentals are among the most acute problems confronting the majority of workers in South Africa.

In January, 1960 it was stated in the House of Assembly by the

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+ S.A. Institute of Race Relations, The Cost of Living Among Urban Africans.

Minister of Health<sup>+</sup> that the number of dwelling units required to be constructed in South Africa to meet the needs of the various sections of the population was as follows:

(a) Europeans	:	24,227
(b) Coloureds	:	38,324
(c) Asiatics	:	17,509
(d) Africans	:	92,019

During the period 1st October, 1958 to 30th September, 1959, the following number of sub-economic dwellings was erected.

(a) Europeans	:	24
(b) Coloureds	:	584
(c) Asiatics	:	nil
(d) Africans	:	50

The Minister of Health described the low number of sub-economic dwellings erected as a "remarkable achievement" because it had been possible to erect dwellings on an economic basis of which the instalment or rental does not exceed one-fifth of the occupant's income.

Earlier figures<sup>++</sup> show that local authorities erected 50,927 houses for Africans under economic schemes between 1920 and 1956, and 52,892 houses for Africans under sub-economic schemes in the same period. During these periods no houses were erected for Africans by the National Housing Commission (which erected a limited number of homes for Europeans between 1945 and 1956) nor by private individuals out of funds made available by the State (a few houses for Europeans Coloureds only were erected in this way between 1945 and 1954). Until the end of 1954 the policy of the State seems to have been to concentrate on sub-economic schemes, although even that was on a totally inadequate scale. But from 1955 the vast majority of dwellings have been erected under economic schemes. (Under 'economic' schemes Africans can in some cases acquire ownership of a house over a thirty year period, but then have to pay not only the interest on the principal sum, but also the cost of providing primary schools in the area).

Now it is precisely this fact which makes the improvements in the housing position in South Africa since the war of so little practical benefit to the majority of low-paid workers, the Africans. An "economic" rental is usually calculated at one-fifth (20%) of the income of the wage-earner. For African workers this is a considerable burden because of their poverty wages. Africans earning more than £15 per month are now required to pay an economic rental in urban African locations. So a worker earning, say, £16 per month has to pay £3. 2. 0. or more a month on rent. This leaves only £12. 18. 0. a month for food, clothing, transport etc. The S.A. Institute of Race Relations<sup>+++</sup> made the following estimate of a theoretical minimum budget for the average African family in Johannesburg in 1958-9 (excluding rent, which has been increased since the Institute made its survey).

Food	£13. 12. 8d.
Clothing	£ 4. 13. 0
Fuel and Light	£ 1. 9. 8
Cleaning Materials	16. 6
Transport	£ 1. 13. 5
Tax	2.11 (this has now been increased by 75%)
<b>TOTAL MINIMUM EXPENDITURE</b>	<b>£21. 18. 2 (excluding rent)</b>

+ House of Assembly Debates, 29th January, 1960

++ House of Assembly Debates, 12th February, 1957

+++ Cost of Living for Urban Africans.

Shortfall - monthly wages and expenditure approximately £9. 0. 0.

Even for Africans earning less than £15 per month, the monthly rental averages £2. 5. 0. and the other necessary expenses are not diminished. Consequently there is an average monthly shortfall of approximately £9. 0. 0. in their case as well. Payment of both the economic and the sub-economic rentals is practically an economic impossibility for poverty-stricken African workers.

The tremendous difficulties experienced by Africans in paying "economic" rentals are seriously aggravated by the remarkable provisions of Section 38(3)(p) of the Natives (Urban Areas) Act, 1945. This Act and regulations thereunder make it a criminal offence for an African to fail to pay his rental on due date in respect of premises in an African location, village or hostel. Thousands of rent defaulters come before the Courts every month and are sentenced to a fine (in addition to the obligation to pay rent) with the alternative of a sentence of imprisonment. Unable to pay the rent or the fine the wage-earner then goes to jail and because he loses his livelihood he becomes even more heavily involved in overdue debts: his hire-purchase instalments fall in arrear and his furniture is taken away; his family cannot eat; and he cannot pay the next month's rental. He is ejected from his home, has lost his job, and is then "endorsed out" (on his reference book) from the urban area, forced to return - with or without his family - to face starvation in a "Reserve" or to work at extremely low wages in bad conditions on a European farm.

The Minister of Health boasted (above) that "economic" houses had been built because of "success achieved in reducing building costs". The experience of many workers is that the new housing schemes (such as at Meadowlands in the Southwestern areas of Johannesburg) are "rush" jobs, that the materials used are inferior and are badly put together. We have heard many complaints of these new homes becoming barely habitable after a few years of occupation. "Low building costs" have also been achieved because of the poverty wages (£13. 7. 0. per building labourers and £18. 0. 0. per month for African bricklayers) paid to the African building workers.

Besides these economic consequences of the Government's housing policy, mention must be made of the system of residential segregation.

In terms of the Natives (Urban Areas) Act, Africans may not own or occupy property in an urban area, except in an African location, village or hostel. This is strictly enforced so that, with a few exceptions, the only Africans living in "white" areas are genuine domestic servants of white householders. Europeans (save police officers etc) in turn may not reside in an African location or village. Naturally the better homes and the more congenial suburbs are for "whites" and the African locations are usually situate in low-lying areas between 12 and 20 miles from the city centre.

The Group Areas Act is also used to achieve residential segregation of the races. The purpose of the Act is to set aside separate areas for ownership and occupation of each racial group. Tremendous hardship and suffering has been forced on non-white working people who have been forced to move to undeveloped sites under this law.

We draw attention to this system of residential racial segregation, not only because it is contrary to the ideals of integration and equality of the U.N. Charter and the Charter of the I.L.O. but also because this type of segregation has proved to be discriminatory i.e. housing

for the separate races is separate and unequal. Africans and other non-Europeans live in dwellings far inferior to those of Europeans.

This system of racial segregation in the field of housing is, therefore, the major and immediate obstacle to an improvement in the housing situation. By opening up all areas to African and other non-European ownership and occupation, the housing shortage could be considerably relieved. On this rational basis, it would then be possible to reduce rentals on existing dwellings, and to embark on large-scale new housing schemes for all workers, irrespective of race or colour.

Racial segregation is holding up proper development of South Africa's housing schemes.

#### IV. EMPLOYMENT PROBLEMS AND POLICIES

(Item 6 of the Agenda - general discussion).

This topic covers a very wide field, and it is proposed here to draw attention to only one feature of the South African Government's employment policy and that is the policy of reservation of certain jobs on a racial basis, invariably for white workers only. This has become an immediate and pressing problem for many workers, particularly Coloured workers.

Article 2 of Convention No. 111 (concerning Discrimination in Respect of Employment and Occupation) of the I.L.O. (1958) states:-

"Each member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote . . . equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof."

The South African Government has refused to ratify this Convention, and expressly pursues a policy of "discrimination" (as defined in the above Convention) in respect of employment and occupation.

The Industrial Conciliation Act, 1956, sets up an industrial tribunal. In terms of Section 77 the Minister of Labour can direct this tribunal to investigate the desirability of making a determination "to safeguard the economic welfare of employees of any race in any undertaking, industry, trade or occupation." (This was the original wording of the section). The tribunal may recommend that work of any kind covered by its investigations should be reserved for persons of a specified race and that no one else should be allowed to do such work. The Minister, may, if he deems it expedient to do so, give legal effect to the tribunal's proposals.

Under this provision investigations have been ordered in a number of industries or occupations and a number of reports have been made by the tribunal,<sup>+</sup> and some determinations made.<sup>+</sup> To date, no jobs have been reserved for Coloured, Indians or Africans. Yet the Government insists that the Act does not permit discrimination on grounds of colour! All Africans, Indians and Coloureds are convinced that "job

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+ For full details see Job Reservation and Trade Unions, by Ray Alexander and H.J. Simons (1959), pp 19 ff.

reservation" discriminates against them, and employers, too, have denounced this policy as being disruptive of industry and economic growth.

The policy of racial reservation is irreconcilable with the I.L.O. Convention on Discrimination. It is discrimination which deserves the strongest disapproval of the International Labour Organisation.

#### V. VOCATIONAL TRAINING.

(Item 7 of the Agenda).

Vocational training (including apprenticeship) is largely reserved for "whites only" in South Africa.

Africans are not admitted to technical colleges (of the 8,000 pupils in the 10 South African technical colleges in 1952, nearly all were white; the rest Coloured or Indian). Non-Europeans may not be admitted to universities, except for a handful of Coloured and Asiatic (including Chinese) students who have been granted special permission to enter ordinary universities by the Minister of Education. Three separate "tribal" "university colleges" have been established for different African "ethnic units", and a separate college has been set up for Coloureds and another college for Indians. These "tribal" and racial colleges are inferior in every respect to the ordinary universities. This is reflected in the fantastic failure rate at Turfloop College for the Sotho ethnic group in 1960.

In any event, the tribal colleges at present provide no instruction in any branch of engineering, dentistry or architecture. Furthermore, there is very little primary or secondary education available for Africans, and what is available is of a distinctly inferior standard to that received by European children. Consequently Africans (and many other non-Europeans) do not have the required educational standard to enter a university or technical college at all. The education of Africans is solely under the control of the Government, and no school of any kind for Africans may be run without the consent of the Minister of Bantu Education, who, in practice, only grants this consent if the school adopts the notorious system of "Bantu education" whose declared function is to fit Africans for their "rôle as hewers of wood and drawers of water". The "Bantu Education" law is popularly known by the African people as the "slave education" Act. A person who educates Africans without official consent commits a punishable offence.

As far as Apprenticeship is concerned, in practice no non-European can become an apprentice (usually an essential prerequisite to becoming a skilled artisan) because there is a custom in all trades that non-Europeans are not accepted for apprenticeship, and, further, in the case of Africans, that most of them are not able (due to lack of educational facilities) to reach the required educational standards. In any case, Africans cannot enrol at the technical training institutes where theoretical part-time courses for apprentices are held.

Moreover, as stated in Section IV, the Minister of Labour can reserve certain jobs for "Europeans only" and this deprives non-Europeans of the opportunity of learning those occupations. There has been a statutory colour-bar in the mining industry since 1926. Regulations issued under the Mines and Works (Amendment) Act of that year, state that "certificates of competency" (which are required for 12 kinds of occupations in mining) may not be granted to Africans or Asians. In addition, many other kinds of work on the mines are reserved for Europeans by agreement or tacit understanding between the employers



and European workers. Although Coloureds may in law qualify for any mining job, they are excluded from skilled occupations in the industry as strictly as are Africans and Indians.<sup>+</sup>

The Native Building Workers' Act, 1951, prohibits Africans from doing skilled building work in the urban areas (i.e. "white" areas), but at the same time affords Africans legal entry into the building industry to learn the trades of bricklaying, carpentering, plastering, etc. The difference between White building artisans and African building artisans is that the latter receive a shorter and inferior training and when qualified receive less than one-third of the wages paid to whites.<sup>++</sup>

The State also applies a so-called "civilised labour" policy, in terms of which no Africans are employed in Government departments if whites are available for those jobs.

The result of these discriminatory laws and policies is that non-Europeans, in particular Africans, do not receive vocational training except to a very limited extent. Where they do, the training is invariably inferior to that received by Europeans.

This, in turn, means that nearly all skilled jobs are done by Europeans. The following table indicates the percentage of employees of different race groups classed as skilled, semi-skilled and unskilled in the period 1937 - 1956.

T A B L E

Employees of different racial groups per 100 of all employees in each category of skill covered by Wage Determinations.<sup>+++</sup>

		<u>Percentage of employees classed as:</u>		
<u>1937-56</u>	<u>Race</u>	<u>Skilled</u>	<u>Semi-Skilled</u>	<u>Unskilled</u>
	White	82.6	27.7	.8
	African	6.2	41.8	82.0
	Coloured	5.5.	20.2	13.2
	Asian	5.6	10.2	3.9

The main barrier to vocational training for all workers in South Africa is, therefore, racial discrimination.

VI. EUALITY OF TREATMENT OF NATIONALS AND NON-NATIONALS  
IN SOCIAL SECURITY

(Item 8 of the Agenda).

The starting point of an enquiry into social security in South Africa is the inequality of treatment of nationals, on the grounds of

+ See Alexander and Simons, op. cit., p.5

++ See Alex Hepple, Trade Union Guide for South African Workers (1957), p.29

+++ This information is taken from Alexander and Simons, op. cit., p.10 (who base these statistics on Annual Reports of the Department of Labour). They point out that the table understates the predominance of whites in skilled occupations because the wage determinations on which it is based apply mainly to light industry, distributive trades and personal services. The employment of artisans in mining, engineering, railways, building trades etc. is usually not covered by such wage determinations.

race or colour.

Workmen's Compensation for accidents is paid on two standards: a higher rate for European, Indian and Coloured workmen, and, in general, a lower rate for African workmen. Unemployment Insurance is also discriminatory: Africans earning less than £5. 3.3. per week (who make up the bulk of the working people) are entirely excluded from the provisions of the Unemployment Insurance Act, 1946, and so obtain no benefits at all on unemployment. In fact, most Africans who lose their jobs and cannot find new employment are ordered out of the urban areas (under the "pass laws").

Far lower old-age pensions are paid to Africans than to aged Europeans; in any event very few Africans qualify for pensions at all. These examples of inequality of treatment of nationals on grounds of race or colour could be multiplied.

Our point, however, is to demonstrate:

- (a) That "foreign" Africans (i.e. from neighbouring African territories) who come to work in South Africa are treated on an unequal basis - together with Africans from South Africa - on grounds of race or colour;
- (b) that the basic problem of South Africa as regards Social Security is to achieve equality of treatment of all racial groups (whether they are nationals or non-nationals). Here, the policy of apartheid and white supremacy of the South African government is the obstacle to further progress.

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## VII. CONCLUSION

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The aim of this memorandum has been to show that, on every major item on the agenda of the 1961 session of the International Labour Conference, South Africa's policies of racial discrimination are in conflict with the basic principles, conventions and standards of the I.L.O.

We understand from the press that a draft resolution will be submitted to the Conference calling for the withdrawal or expulsion of South Africa from the I.L.O. On behalf of the oppressed South African workers, we fully support this resolution. The South African Government's policies are incompatible with the sentiments of justice and humanity for which the I.L.O. was founded.

The Nationalist Government of South Africa has made the I.L.O. practically valueless to South African workers. Every year complaints are lodged by our organisation and others against contraventions of accepted labour standards by the South African Government: for example, the use of convict labour, the use of forced labour, the continued violation of trade union rights and racial discrimination. The International Labour Office from time to time sends complaints on these matters to the South African Government but, more recently, has advised us that "no purpose would be served" by pursuing these matters with the Government because such complaints are ignored. This, in itself, is an admission that the time has long since come for positive sanctions against South Africa by member states of the I.L.O. South Africa must be forced to withdraw or be expelled from the I.L.O. Member states

must impose diplomatic, economic and political sanctions on the Republic of South Africa.

There is no room for the argument that these measures will "harm" the workers of South Africa. On the contrary, they will be sincerely welcomes. The United Nations General Assembly has recognised that the policies of apartheid are not an "internal matter" of South Africa. They are a threat to all humanity, a source of danger to peace and human progress.

Adoption of these measures against the present minority white supremacist Government will ensure that a democratic South Africa, pursuing a policy of equality and peace and friendship with all peoples, comes into being rapidly and peacefully. Such actions by member States of the I.L.O. will enhance the status of the I.L.O. in this country.

For and on behalf of the South African Congress of Trade Unions.

.....  
LEON LEVY: PRESIDENT.

.....  
LESLIE MASSINA: GENERAL  
SECRETARY.

Johannesburg.

24th May, 1961.

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**FEDERATION OF SOUTH AFRICAN WOMEN 1954-1963**

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