

Evidence Heard in NYLSTROOM on
THURSDAY, the 8th day of
OCTOBER, 1953

Before the Committee of the
LAND TENURE BOARD

I N D E X

Address by Mr. Hiemstra

Pages 529 - 544

Address of Dr. Lowen

Pages 545 - 610

EVIDENCE RECORDED and TYPED by:

THE STELLA BEYLEVELD TYPING AGENCY,
67A, Fox Street,
Opposite Stock Exchange,
Phone: 33-7531
Home : 35-4809
JOHANNESBURG.

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VOLUME 4.

PART II.

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ADDRESS BY MR. HIEMSTRA

MNR. HIEMSTRA: Meneer die Voorsitter, die Stadsraad het my gemagtig om te sê dat hulle n versoek rig dat die tye vir verskuiwing wat in die Proklamasie sal voorkom, dat dit sal wees drie jaar vir wonings en vyf jaar vir besighede. Waarskynlik sal die Minister n eenvormige tydperk vir die meeste dorpe wil bepaal maar dit is in elk geval wat deur die Stadsraad hier aan die hand gedoen word. Dan wil ek ook sê Meneer die Voorsitter, dat die Stadsraad n baie besliste voorkeur gee aan C.6, en ek wil u vra om voorkeur te gee aan C.6. omdat dit die beplanning hier beter sal pas. Soos u gesê is, die nywerheids gebied lê daar langs a n en die bedoeling was dan om, wanneer daar nywerhede ontstaan die blankes wat daar sal werk te laat woon juis in C.7. Ook is die bedoeling om n tentoonstellingsterrein aan te lê in C.7. - dit is na aan die spoorlyn en dit is uit die oogpunt van die diere wat daar gebring word baie geriefliker om dit op C.7. te hê. Die Stadsraad is heeltemal tevrede dat die koste van C. 6. nie hoër sal wees as C.7. nie en die enigste faktor wat C.6. enigsins twyfelagtig gemaak het was die kwessie van die spoorweg-brug. Hier is met groot stelligheid beweer dat dit essentiaal is en aannemende dat daar korrekte informasie van die ander kant af kom het die Stadsraad besluit om dan as alternatief C.7. te aanvaar maar as dit blyk soos ook sal blyk wanneer ons hierdie informasie van die Afdelings-bestuurder se kantoor het dat so n spoorweg brug geen absolute vereiste is nie, dat dit iets is wat in die diskresie van die plaaslike bestuur lê, dan gee ek aan die

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hand dat die grootste moeilikheid wat C.6. betref verdwyn,- feitlik die enigste moeilikheid wat C.6. betref. Daar is n heeltemal goeie toegang na C.6 toe, met die teer pad langs, oor die groot brug wat daar is. Dit is langer as n direkte toegang met n brug oor die spruitjie, maar die oorspronklike beraming van die afstand wat u gegee is, die is 2,600 tree en die gaan oor daardie hoof-brug, en ons gee aan die hand dat dit n heeltemal toereikende toegang is om daardie aanleg mee te begin. Mr. Chairman, I would now, with your permission continue in the other language because I am anxious that the unilingual gentlemen opposite should follow everything that I have to say. A great deal has been made of the cost here, and I would especially like to say this especially to the Press representatives who have placed reports of which I do not in any way question the accuracy, which placed Mr. Van Wyk in a very unfavourable light and might very well affect his career and I appeal to their sense of fairness to present the other side of the picture, namely, that what was put to him appears now to be assumptions that have not at all been proved. Assumptions have been put to him that if three kilowatts are necessary your figures are out, if a four-inch pipe is necessary your figures are out, on those assumptions he admitted that his figures must be out. It now appears that there is no question at all of any statutory compulsion with regard to the kilowatts and with regard to the inches of the piping. That places Mr. Van Wyk's figures in the position that they are not at all inaccurate and the only thing,

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the only fault that I can find, and I submit that the Committee can find with Mr. Van Wyk's figures are that he omitted the hydrants in regard to the cost of the water which can come to some £400.0.0. It now appears that there is nothing that goes further than advice from engineers and various bodies that you might require a bigger pipe but there is in no way any limit to the discretion of the Local Authority. There is no statutory compulsion and there is no doubt that in the Township as it is at the moment you have pipes of less than three inches for reticulation all over the Township and there is nothing found to be inadequate in that and it stands to reason, Mr. Chairman, that all that is required is that there must be an adequate water supply and if a three inch main pipe and a two inch reticulation pipe can deliver more than 250 gallons per erf as is the evidence of Mr. Van Wyk, there is no single reason why that will not be allowed. What has been said to the contrary amounts to nothing more than advice for new and modern townships where the applicants who want to lay them out are anxious to sell them to people who will want a better township than their existing one. If an existing Municipality lays out, makes a new lay-out, it usually does so or sometimes does so in order to make it a very modern and very attractive new lay-out. The position here is that the Municipality has not the slightest intention of giving to the Asiatic Township better facilities than the existing European Township has, and there

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is no single reason that can be advanced as to why there should be better facilities there. If you take the cost of electricity at first, the three kilowatt represented to the Committee as being a statutory requirement now appears to be nothing of the kind, it is merely advice. Mr. Van Wyk has told us that in the town as it is at present less than one kilowatt is being supplied. That table in the Municipal Year Book that you have there Mr. Chairman, for what it is worth as evidence, shows that there is hardly any township in the country whose maximum load of kilowatts surpasses one, and Mr. Van Niekerk was not disposed to question my statement to him that in Pretoria it is found that three kilowatts is the maximum load taken in the best areas in the coldest of the winter. Now, I can very well, if that is the fact, I can very well understand why advice would be given to provide for three kilowatts because if you want to have a first class township where you are going to have mansions, double-storey buildings with thirty and forty gallon water heaters, it is very wise to place three kilowatts. Well, Mr. Chairman, we have not got those facilities in Nylstroom for the European area and as far as the Town Council is concerned our application is not for a township which is to supply far greater facilities than are now being supplied to the Europeans. As regards Mr. Van Wyk's electricity figures not one single word of evidence has been given to discredit them. Nothing at all has been said. A man who was being referred to as

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an expert told us this morning he knows nothing of the technical aspects of electricity. He told us that you cannot - this at least he knows - that you cannot when you calculate the costs simply say that if 25 kilowatts cost this then 50 kilowatts costs double that. That is not the way to calculate it and yet that is the way in which it was put to Mr. Van Wyk and an attempt was made to show that his costs were entirely ridiculous. In fact, what has appeared this morning is that the figure of £24,000.0.0. is much more ridiculous than anything that Mr. Van Wyk has said. If you total up these costs which my learned friend put to Mr. Van Wyk it appears that the cost alone of a small erf would amount to £300.0.0. without allowing anything for erven that you have to give for public purposes, you allow nothing for the price of the ground, you allow nothing for the property of the applicant for the township and you do not reckon with the 18% which he has to give for the Provincial Endowment Fund. If you leave all those things out then his costs alone amount to £300.0.0 per erf if these figures are correct and that alone, that fact alone, Mr. Chairman indicates that what has been put to Mr. Van Wyk is entirely laughable as anything of which the Committee can take any notice. There is no foundation for anything - even in the region of the £30,000.0.0. that has been suggested here. As far as the water is concerned, also, his figures are only out if there are the statutory requirements of four inches for the main pipe and three inches for the reticulation pipe and nothing has been placed

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before you to show that there is any such statutory requirement, on the contrary it has been shown that all that happens is that advice is given in that respect. if you are busy with modern townships where you want bigger and better houses than you have at present

My learned friend has talked here about a Power Station, - the Power Station will have to be enlarged because this new township is going to increase the demand considerably. In the same breath he tries to tell you, Mr. Chairman, that the people are going to starve there and that is not going to be a township where anyone can live. Now that alone shows you, Mr. Chairman, how much notice can be taken of these submissions. On the one hand there is going to be a flourishing township requiring a doubling of our Power Station capacity and on the other hand we hear there is going to be starvation. I say, Mr. Chairman that the Council itself is the best judge as to its financial powers - in one year it has reduced its deficit of £10,000.0.0. with £7,000.0.0. These expenses will only come on the Council in some three or five years time - those erven are to be sold and a return will come from that. And any suggestion that it is outside the financial powers of the Council is totally unfounded.

Now, Mr. Chairman, the rest of my address will be intended mainly to state the attitude of my clients on the Town Council to this application on its wider grounds that have formed the ^{main} basis of the attack. We have heard many complaints that no

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Councillor goes into the witness box. Well, Mr. Chairman, if my learned friend - my learned friend is not so naive as to think that I am going to give him the opportunity of making political propaganda at this enquiry by a cross-examination of a Councillor on policy. We have to do with facts, with the question as to whether that place is suitable and this is not the place for attacking the principles of the Act or making any kind of ideological propaganda and that would be the only purpose for which he so earnestly desires a Councillor to go into the witness box. Well, I am certainly not going to afford him that opportunity by applying to you, Mr. Chairman to call a Councillor. It is entirely out of place, all that we want are the facts and those are being placed before you as far as they are in our possession. The policy of this Act has been decided elsewhere and this is not the place to debate it. My learned friend has been studying the Act to find a provision stating that the Indian must be moved outside, outside the town. Well, he will not find it inside the Act but he will find it outside the Act. It lies in the fact that the Act was passed at all. If the Indians had to stay where they are, the Pegging Act that we have had since 1939 would have been entirely sufficient. We would have had no need to set up all this elaborate machinery created by the Group Areas Act if we only want to have a Pegging and a keeping of the Indians where they are at present. The mere fact that the Act was passed, Mr. Chairman, indicates that the Act required a much

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more drastic separation than can be achieved by any Pegging measures. My learned friend has been much concerned about justice and fairness. Well, Mr. Chairman, those words apparently mean to him and his friends only one thing, that is that the Indian must get exactly what he wants. Only then will he be satisfied that he has got justice and fairness and I will deal with that, I will indicate in which way my clients approach this and where they see the justice and the fairness. It has been put to witnesses that these areas, these alternative areas do not afford the same opportunities for trade as the areas where the Indians are today. Well, Mr. Chairman, obviously they do not. I am not here to go through the hollow pretence to argue that they are equally fit for trade as the area where the Indians are today and it certainly doesn't require long hours of the most tedious cross-examination to establish that these areas are not as fit for trade as the area where they are now. It may well be that a prosperous trading community can develop there in time - we see many towns where, under a servitude, or under a township condition, Indians are not allowed and yet you find Indian shops on the fringes that do quite well. So I do not exclude the possibility that a flourishing community can arise in that township, but I say immediately, that there are going to be losses, there are going to be substantial losses and no one can hope to deny it. But that is a result of the Act and it will merely have to be faced. You can simply not have a mass removal of population

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without losses and if you want to examine the justice and the fairness of it all you must establish who is the cause of this necessity to have a mass removal, who is the cause of that? If you have established that then you can approach the question of justice and fairness in a much more accurate manner. For four days we have had here a performance as if the white community is on trial for a crime and the crime is that the white man in his own country wants to achieve effective separation of racial groups and if one looks at this enquiry it seems that the Indians stand there as the accuser and the white man has got to defend himself against this heinous charge that he wants in his own country to achieve separation. My learned friend with his appeals to Christianity has adopted the technique in which the Indian has become a past master and that is the technique of the accomplished fact. My learned friend comes here to tell you the Indian is today in possession of thirteen - or according to his own figures - 14 businesses as against thirteen European businesses. This complete Asiatic domination of the trade of a white town is an accomplished fact and you, Mr. Chairman, dare not disturb that accomplished fact. That is the approach that comes to you from the other side and that is the technique which the Indians have employed in the past and which the Governments of the country have come to know only too well. From the day that the Indians set foot in the Transvaal the State, as distinct from the people in general, - recognised him as a danger. The

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Indians came into a friendly, good-natured, unsuspecting, pastoral community. There were only a few of them, nobody minded them but the State was alive to the danger and decreed very soon that they shall not become owners of fixed property and they shall not become citizens of the State. Not knowing the cunning of the Indian the State allowed a position to arise where property was being held through companies and through nominees. The Indians slipped like eels through all the loop-holes in the Acts and proceeded to penetrate as fast as possible into the business areas of the towns, knowing full well they were not wanted there and they formed there a foreign and an alien element against the wishes of the established population of the country, against the expresse wish of the Governments as expressed by Parliament in the various Statutes. Mr. Mosan who gave evidence here is an excellent example of that kind of thing. His father was not a sugar planter invited by the Government of Natal to come into South Africa. Oh no, he was a trader who came in 1910 into the Transvaal and his son was a trader knowing full well that traders were not invited and were not wanted and that in the Acts they were being hedged around on all sides to try and keep them out, but nevertheless he came in and time after time the Indian has blandly presented to the Governments the accomplished fact of his penetration. Commission after commission investigated Indian penetration, new matters were devised to curb

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the depredations of the Indians on the trade of the country. Illegal holdings of property were condoned because they were accomplished facts. Nominee holdings which have always been at least against the intention of the Legislature were, up to 1932, allowed to stand, those that had gone through already. The measures against the Indians have been frustrated in many ways but he received there what he imagined to be justice and fairness. Namely acceptance of his accomplished fact. They have grown used to that and they have come to you again, Mr. Chairman, to say, "our possession of the main portion of the business area of Nylstroom is an accomplished fact and please keep it like that or else you are going to be unjust and you are going to be unfair." In 1927 the Government of India promised cooperation to reduce the Indian population. With the same old cunning they allowed only old people to go out and that at the expense of the State. The home repatriation scheme was a failure because the country was too much of a paradise to the Indian. With false papers women and children under sixteen were smuggled into the country under a concession that was made to them in all justice and fairness - was that concession made. It was abused and before our eyes the Indian problem rose to alarming proportions, simply because at all times we have been so ready to extend to them the greatest of concessions and to extend to them what they have always imagined to be the justice and the fairness, namely recognition of accomplished facts. Well, Mr. Chairman, today the Indian feels that the outlook is dark

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for him. I do not agree that the outlook is very dark. I think the Indian with his business acumen can establish him quite well in those townships, but if the outlook is dark for them I say it is only because the sky is clouded with the wings of chickens coming home to roost. The sins of the fathers are being visited to the children. The predecessors of the Indians we have today and the Indians we do have today penetrated into the towns against the express wish of the people and of the Governments and what do we get? Not penitence, we get a presumptuous challenge to the owners of the country and we get clamours for equality. They have the temerity to submit to you, Mr. Chairman, that they, who number one-tenth of the European population of this town, should have fourteen licences to thirteen European licences. A state of affairs like that would not be tolerated Mr. Chairman in any other country. My learned friend should know what racial animosities are, how they arise. My learned friend should know that as soon as the Jews had reached a certain percentage of the population animosities arose against them. You will find that right over the world. Especially if they concentrate on one profession. And the Indian need not expect that with him it will be different. Unwisely the Indian allowed the position to arise where he dominated a part of the professional life of the country and he must expect that at some time a clash is going to come. It appears as if the learned gentlemen opposite do not realise what is going on in the country and in the world. We have had the

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spectacle of Mr. Minty asking a witness whether a Indian would be allowed to become a member of the white congregation and if the answer is "of course, not" as it should be, he imagines that he has now demonstrated anti-Asiatic feeling and not only that, he imagines that he has demonstrated an injustice. Well, Mr. Chairman, Mr. Minty has a lot to learn about conditions of the country if he thinks that that would be regarded as an injustice. It is not accepted as such by the established population. Dr. Lowen, my learned friend, has suggested in cross-examination that the Europeans could move across the railway. Well, Mr. Chairman, if he and his friends imagine that the country will be handed over to I he has also a lot to learn. I said this state of affairs that a foreign and an alien element dominates the commercial life of a town would not be tolerated elsewhere and least of all would it be tolerated in India itself and there it would not be terminated by a fair and open hearing like this where the opposition has the fullest opportunity of broadcasting its presumptuous insults about dishonesty into the Press of the world. It would long ago have been terminated there by means of riots and violence. The shifting of populations is in India not achieved after fair warning of four and six years or three and five years. There it is done with a viciousness which marks India as the prime example of man's inhumanity to man. The Indians are the very last to come forward with appeals to humanity. There is nothing inhuman in what is done, - what is being done is merely a readjustment of affairs

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that were allowed to go too far and they went too far simply because the Governments were not alive to the cunning and the tactics of the Indian who always, against the wishes of the population and of the Governments, penetrated where they were not wanted. We do not look for justice for the Indian alone. We want it for the white man too. And the justice of this arrangement lies in this, - the foreign domination of trade in a white town must be ended. That is justice to the white man to whom the country belongs. The Indian has no divine right to trade. He can go, and he can go into other spheres of activity as others do and where does he get his claim from that he has an inalienable right to trade? Why must the shop assistant demand that he wants to remain a shop-assistant? The fairness lies in this, that he has had a full opportunity to air his views, he gets a generous time to adjust himself to new conditions and he has had this fair warning - for 70 years, by means of successive legislative enactments which demonstrated very clearly the attitudes of the Governments of the country/ ^{to him.} Mr. Chairman, you cannot, with impunity indefinitely flout the laws and the wishes of the country where you are a guest. What is their idea of justice and fairness? It is that they should remain exactly where they are. The Group Areas Act has to remain a dead letter. If that vision of justice is to prevail we might as well not have passed the Group Areas Act. If they consider that that Act was passed in order to entrench them in their position they will have to reconsider their view of the purposes

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of the Act. It is useless to adopt the air of injured innocence that we have seen here. They will have to sell their property at whatever price they can get for it - that has been said. Well, Mr. Chairman, as far as we know that is not going to be the position. There is going to be acquisition of their properties at a valuation. But even if it were so, who is to blame? If there had been one or perhaps two Indian shops in the town no one would have minded. We have Chinese shops in many places over the country and I have never discovered any animosity against the Chinese because he is not so obtruding himself on the white population by his numbers and by his omnipresence in the sphere of trade. But with contempt for the white man's efforts to stop them the Indian has swarmed in until the danger point was crossed and the danger point now has been crossed. They are today in the position that the vast majority of the people say that the Indian problem can only be solved by the Indian leaving the country. Well, there is no way to achieve that but at least what can be achieved is such separation that there is not going to be the continual bad relationship which arises from the fact that you have the two races rubbing shoulders as they are today. The Indian is entering into a new era, and he would be much wiser if he accepted that peacefully. The strained relationship between white and Indian could then be ended if the position is accepted peacefully, but we find on the other hand that extravagant demands are made - extravagant demands

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Mr. Chairman, to the effect that what they have they must keep and that that is the only way to achieve justice and fairness.

Mr. Chairman, what I have said here is, no doubt, wellknown to you, it goes very far on to the political side of the thing but I have stated it because my learned friend was so anxious to question Councillors on this aspect of the matter. That is why I give it because I know that the attack on this scheme will be, to a great extent, on this aspect with which I have dealt, and I think that on behalf of the Councillors whom I represent, I should state their attitude and that is why I have done it. As regards the merits of the scheme, Mr. Chairman, I submit that there are sufficient facts before you and that either of the two areas are completely within the powers of the Municipality, and just to round off, Mr. Chairman, I would like to repeat that the Municipality gives decided preference to C.6.

Mr. Chairman, Gentleman of the Committee, you have been listening to a number of speeches asking you to declare certain areas as Group Areas for the Indian community of this town and these speeches were made on various grounds. We have heard the Churches, we have heard the Burgerlike Vereniging, we have heard as the last speech the one of the Planning and Reference Committee's representative and you have heard as a main speech one made by my learned friend, Mr. Hiemstra, and I may say - I don't know whether he may consider this a compliment or not - that his speech really tops all the others, because it was in toto a speech of a political nature and it may well be that the place at which it was made, the Town Hall, which is usually set aside for political speeches and political addresses, that may have induced him to make a speech which is - I say that advisedly - as far removed from the merits of this case as it is transferred to the arena of politics which in judicial enquiry or in court is usually kept out. And, Sir, I would like to assure you that I have not the slightest idea of making any political speech, Town Hall or no Town Hall, Nylstroom or no Nylstroom, before a Committee which, by the institution of our Legislature has been set up as part of a judicial body, as part of the Land Tenure Board. But before dealing with the merits of this case, which in my submission are the only points which should be ventilated here, I have to say one or two words in reply to the political nature of the speech made by my learned friend, Mr. Hiemstra.

Sir, my learned friend himself admits that he has ventured far into the field or has come very near to the fields of politics and his excuse for that is an entirely unfounded, an entirely unbased assumption that I, pleading for the Indian community of Nylstroom had only one object in asking, in inviting, in challenging the Town Councillors who were sitting there for days - whether they are here still now, I don't know, I haven't had the pleasure of meeting them - asking and challenging and inviting them to give their word, their evidence on oath as to the real question in issue, that is the desirability, the necessity, the advisability of group areas and if so, the honesty of their motive which one is looking for if one hears that a community which has been established for many years, peacefully in this country, why such community should be pushed - and I repeat that - into the veld as far away as possible out of Nylstroom. Sir, my learned friend suggested that my only motive in asking the Town Councillors to come into the box and let us hear under oath what they have to say on the various topics and the various subjects, that my motive was to make political propaganda, and that, Sir, coming from the mouth of the gentleman who himself, to found his application for the Group Areas, has made a political speech starting with the immigration of the first Indian into this country, travelling through Germany and Hitler and the fate of the Jewish nation of which I am a member, accusing Mr. Minty and teaching him what he has to ask and what he has not to ask, and ending up by saying that the warning hasn't been heard, hasn't been heeded and that the Indians now

get what was coming to them for the last seventy years. Sir, needless to say that if anybody wanted to show, under the heading of fairness and justice as properly understood, if anybody wanted to show whether or not - if this were relevant at all, of course - that the Indians of Nylstroom, or the Indians of South Africa, or the Indians of the world, have deserved the kind of scheme which the Town Council of Nylstroom, under whose guidance I don't know yet, but we will perhaps be able to find out something about that. Sir, the Indians are now being told that they are now going to suffer for the sins of their fathers who dared to come here - I think as sugar workers, that was mentioned - but did not work on sugar but ventured into trade and Mosam, respected leader of the Indian community of this town, a man as peace-loving, law-abiding and decent as one can imagine, is today told that his father committed the sin of becoming a trader in this country at a time when trading in this country, as it is now, was not prohibited for Indians. My learned friend, without evidence - and he should have led such evidence - talks glibly, and I say that advisedly too, glibly and frivolously, about loop-holes in the Acts through which the Indians slipped, about illegal holdings, about flouting the laws and about doing all kind of other things for which they now really must be punished. And, Sir, although it wasn't put that way, no doubt the intention has been shown, the intention of which one was suspicious all the time, the intention to prove which, questions were asked as to the feasibility of schemes, costs and so on, the

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intention has at last come out and the intention is to give a scheme under the Group Areas Act, to give a scheme to the Indian community which will teach them a lesson and which will, at the same time, punish them for what they have done or what their fathers have done. It was said by my learned friend that the Indians have no right to appeal for humanity and, Sir, very strangely, it seems to contain an admission, an admission which couldn't have been made clearer or more explicit, the admission of the fact that what is suggested to be administered to them is as far removed from humanity as the Indians are from any disturbance of the peace in this town. My learned friend has drawn in, dragged in the fate of the Jews on the Continent and he has reminded you of the fact that where you have too many of them and where they congregate in one trade or in one profession, Nemesis is not far, and history has shown - so he put it, history meaning, the ambassador of history being Mr. Hitler, now deceased - has shown that these things can't go on untouched. Well, Sir, I regret that my learned friend's tuition and knowledge of history has stopped with the advent of Hitler and that he hasn't travelled ten further years in history nearer now in order to remind you of the fact that those who trampled humanity, who killed people they didn't like, who ruined them economically suffered a very bad end. And that the whole world was up in arms in a campaign against those, who - I don't know - are still glorified today by those who remind us of them as a historical example. Hitler is no longer there, the Jewish spirit and the

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Jews are still alive and whatever suppression may be applied or may try to be applied to the Indian community of Nylstroom or of anywhere else, humanity will survive and justice will triumph against barbarism and the dark clouds which were brought about on this sky or anywhere else against those whom one wishes to suppress and to ruin on some or other pretext. Sir, so much about the political nature of the speech made by my learned friend.

If I may now turn to the merits that were completely untouched by him, probably because it was difficult to touch them with any kind of justification in order to support an application made here; Sir, if I may now turn to these merits I shall divide my argument into the following points. I submit, in the first instance that the object of this enquiry, which is held under the law called the Group Areas Act is a two-fold one. The first, in accordance with Section 27 of the Act is, "to ascertain the desirability or otherwise" - or otherwise - "of setting aside of Group Areas here in Nylstroom and the second enquiry is, if it is desirable, then to find out whether submissions made by the Applicant, and in this case the Town Council, whether such submissions amount to proposals of suitable areas - suitable for those whom one tries to remove out of their present places. Now, Sir, as far as the first point is concerned, I shall submit in further detail - I only want to give the skeleton of my address - that desirability in this Act means the necessity or at least advisability of creating Group Areas and my submission on this point will

be that it is neither desirable - and I shall deal with desirability more fully -- nor advisable nor necessary to set aside any Group Areas in Nylstroom, And on the second point, the point of suitable accommodation which has to be taken into consideration by this Board or by the Committee, I shall submit that properly understood, there is no suitable accommodation suggested by anybody and that the scheme submitted by the Town Council is not only utterly unsuitable - considering the real meaning of this word but, in fact, submitted from motives which, in terms of this Act, or the spirit of this Act, cannot be called proper motives. And I shall submit there, that the application by the Municipality supported as it is by the Planning and Reference Committee, by the three Churches, by the Burgerlike Vereniging and by the Sisterhood of Churches is made, not because it is advisable or necessary or desirable to have Group Areas, but in order to deprive the Indian community of their property, of their livelihood, of their community property with the further object of driving them out of Nylstroom, of driving them out of South Africa and to make them beg for repatriation to India, And, Sir, my last submission will be that, in order to show what are the motives behind this application I shall deal with the question of costs, financial stability or otherwise, as the Act usually says, of this Municipality of Nylstroom, in order to show that with all these big speeches about sacrifice and 'opoffering' and generosity we have here a town, which, within a year or two after one of their schemes to which they are bound has been accomplished is completely broke,

is completely insolvent and hasn't got a penny to spend on any of those schemes which they so wildly, generously in a sacrificial spirit offer to carry out for the benefit of the community.

Now, Sir, coming to the first point and that is the point of desirability. Sir, whether or not it is desirable to establish Group Areas in this town, largely depends, of course, on the past. Not the past as seen by my learned friend, politically. Not the past which goes back to the immigration of the sugar workers; not the past which deals with what my learned friend today says, reproachfully, the opening up of trades, but the past of the relationship between Europeans and Indians in this town. Sir, if you forget the speeches, not borne out by evidence, and if you refer to the evidence given under oath before this Committee, then you can have only one opinion and that is that Nylstroom Europeans were blessed with fifty years of complete peace as far as relationships are concerned between Europeans and Indians. You have that, not for fifty years, but at least for twenty years, from the Town Council through its witness, the Town Clerk, Mr. Joubert, who was made, willy nilly, the mouthpiece of the Town Council; why, I shall make my submissions for that at a later stage. He says that as far as he can remember and as far as he can think back there was no friction whatsoever, no trouble whatsoever between Europeans and Indians. We have another piece of evidence, the only evidence which came from the

Churches which are so well represented at this Enquiry. It is represented by three speakers alone. You have it from them that never has there been any disturbance of any religious service or of any other activity, Kerkplein or no Kerkplein, Nagmaal or no Nagmaal, never the slightest disturbance between Europeans and Indians, and it may be best, perhaps, to read a short passage from the speech of the only Church witness whom we had upon this issue. Mr. Botes, and I have the transcript of his evidence here - not of his evidence but of his speech - Mr. Botes, referring to his evidence said, "Meneer die Voorsitter, en ek wil ook baie duidelik stel dat wat betref die Hervormde Gemeente, daar nog nie in die verlede vanaf die Indiër gemeenskap te Nylstroom, enige leed toegedaan is aan enige lidmaat van die Hervormde Gemeente waar hy daar besig is met sy kerklike bediening en kerklike sake nie." Well, Sir, you couldn't have that fact clearer than that; an admission that there was not the slightest disturbance, not the slightest unrest ever between the Europeans and the Indians. We haven't heard of any criminal record, we haven't heard of any social mixing, we haven't heard of any friction, we haven't heard of any miscegenation, we haven't heard of anything of the kind, and in fact, if there is any evidence it all points one way - that as far as these aspects are concerned - the record of the Indian community is completely unblemished and nobody could say there was any trouble, at any time which would make it necessary to introduce into Nylstroom this elaborate

scheme of Group Areas except, of course, for desirability as understood by those who advocated so eloquently the absolute necessity of pushing the Indians across the railways and across the Little Nile into what is now well-known, although not often visited, Bush-veld across the railways. Sir, let us deal with business development. My learned friend has said, it is unheard that 200 Indians should have 14 licences at a time when Europeans have only 13 licences. Sir, what do we know about the business development in this town? Up to 1939, and I am quoting the Town Clerk, the mouth-piece of the Council, up to 1939 business of the European community was practically non-existent. We had about five shops. Since 1939 Europeans have branched out into the arena of business - unhindered, undisturbed - and probably their well-established competitors received them as good competitors, and I do not know to what degree, shared the trade with them here. But it developed, the Europeans, and they established now - my learned friend says 13, in my memory it is 14 - at least 14 General Dealers licences here in Nylstroom. Now, Sir, are the Indians, who today are being blamed for everything as far back as their fathers and their grandfathers are concerned, are the Indians to be blamed for the fact that prior to 1939 the Europeans didn't trade more extensively in Nylstroom? Or is it, perhaps - and we have been reminded of the character of the Boere-nasie, of the Afrikaner-nasie so very often - is it perhaps a fact that only recently the Afrikaner

intended to make a living from business either because the Englishman did it, or the Indian did it, or the Chinese did it, or anybody else did it. But as far as the Indian was concerned he didn't encroach on anybody. In fact, you will remember the long list of about 15 properties which were put to the Town Clerk, Mr. Joubert, in the witness box, and who admitted freely, as he had to, of course, that during the last ten or twenty years the Indian community has shrunk as far as occupation is concerned and that the Indian community has given up about 15 properties which are now occupied or owned or both by Europeans and in that way there was no trouble, and any development was not in the way my learned friend seems to point to, but, it was a peaceful co-operation between business people in one town, business people of whom the one had one colour of the skin and the other a slightly darker colour of the skin. But both traded and both got licences and they are about equal now. Sir, what is the intention of the Legislature, what does the Legislature mean by desirability of Group Areas and what really is the object which is at the basis of this Law? If one thinks desirability meaning anything, then, of course, Sir, you may be called tomorrow to a little place where you have two Europeans and one Indian and one Chinese and because the one European says that the one Indian didn't greet him last night or the Chinese sold him sugar which he thought was too brown and not white enough, then he could come along and say, "I, now, I one of the two Europeans, I say it is desirable to have a

Group Area, and then if that kind of desirability counts, you would have to enquire into the desirability of Group Areas. Now, Sir, here of course in Nylstroom, there are not only two thousand Europeans. The question is, can they just come along for any motive, from any design, and can they really ask you and can they demand, and their request really become one of the requirements of the Act, can they say, "Because we don't like the Indians," or "Because we don't want competition," and although there was no trouble, "We want them out, and therefore it is desirable to satisfy our desire to get them out as far as you can possibly do. "

Now, Sir, I submit that that is what has happened here. If one goes into Nylstroom, whether one comes from Pietersburg or Pretoria - and I think these are the only two roads on which one can succeed in getting to Nylstroom, leaving out the Settlers Road here to the right - one really is surprised about all the fuss - if I may call it that - which is made about the Indians in this town. You come along the road, you pass these nice, new residential buildings on the road from Pretoria to Nylstroom and then you see a few High Schools - very nice buildings - and you see in Collins Street, before you come to the Garage and I paid specific attention again this morning, you see the first Church and then, if you don't turn into Potgieter Street and if you continue on your way to Pietersburg, you see three, four, five - I don't know - shops, which are Indian shops, and if you have time to look out

of your car you see at the back the roof of a Mosque and if you pass through you have seen all the Indian sights which you can see. But if out of curiosity or because you are an inhabitant of Nylstroom you now turn into the main street of Nylstroom, which is called Potgieter Street, then you pass on the right, two further small shops, owned by Indians or run by Indians, and then you find an open plain - a Kerkplein, and then you find another two shops there, and one opposite, and then you enter really the city, if I may call it that, not in a derisive manner, the centre I should rather say of Nylstroom. You see the banks, you see the Post Office, you see the Magistrate's Court, you will see from a distance in the street which has no name yet, but which may be styled later on the Street of Humanity, you see then the city hall, and then when you go on you see a few bazaars, you see the Handelshuis, the director of which I understand was the Mayor who was in office when the Group Areas Act was mooted, you see on the right Wessels and Friedburg the owner of which is Mr. Swanepoel who unfortunately couldn't speak this morning, and then you see again on the left a few shops owned by Indians, and, if you still are not satisfied you go on - you don't see anything further, and then you see the dust on the road to Settlers and you come to a railway, and eventually to this very interesting bush-veld which is envisaged as the future industrial area opposite C. 7. And you have seen all the Indians, all the Indian shops and all the activities of this Municipality

of Nylstroom. Now, Sir, whether in these circumstances, because you have on top a few shops and a few houses, mostly hidden by the shops, and at the back a Mosque and then the school on the other side, and then the centre and then you come to another few Indian shops, whether, Sir, that makes it desirable to have Group Areas is, of course, from the beginning a very, very moot point. And if it hadn't been for these speeches on religious grounds, mentioning Godsdiens and service, and if it hadn't been for speeches on trade and on General Dealer's licences, nobody would have worried, nobody would have cared about any establishing of any Group Areas in a town which has in its main centre a European population, and on its fringes, on its outskirts, a few Indian shops, and that is why I say one wonders what really is all the fuss about and it needs, indeed, very strong arguments to support any brief for the erection of any Group Area. Now, what happened in this town? I have mentioned that there was no friction, I have mentioned there was peace, I have mentioned that there was no disturbance, no social mixing, no inviting to each other's houses, no tea-parties, no dinner parties, no dance parties, nothing of the kind. People do their business here, people do their business there. But then, suddenly, when so much talk takes place about Group Areas, one good day - I think in June of last year - the Municipality raises the question of Group Areas.. How? We got the same modest Minute - I have forgotten the date - which starts off the ball rolling on Group Areas. The

Town Council - I don't know how busy the gentlemen were, one would assume that they are very busy gentlemen when sitting down to the deliberations of the Council - somebody mentions Group Areas and no discussion takes place, no minutes of speeches, nobody says, " Well, there is a terrific danger in this town, we must get rid of something somehow," just, "Let's have a Group Area." Sir, it reminds one of the story which is told about a certain Mayor of a certain small town - an no reflection on the Mayor of this town - who at the time when motor traffic was still in its early stages - visits a big city and he is impressed by these tremendous traffic signs - one-way streets, two-way streets, No Parking from 6, No Parking from eight - and it was beautiful, red and yellow and blue, it was magnificent and he comes home to his little place and says , "Well, we haven't got any of these things here, let us get some signs," and he introduces one-way streets and No Parking places and he completely forgets that he hasn't got a motor car in his town. And like this mayor, who tries to copy the big cities and tries to create facilities for requirements which are not there, I would liken to this Mayor, the Town Council of this town and at a stage, and in an age, and in a period politically hot, politically moved, suddenly the cry arises, "Group Area!"- but they don't know anything about it! Having heard this magnificent magic word of Group Area, which they may have heard allows so many things to be done, they invite somebody from Pretoria to

make a speech on Group Areas, and, Sir, I wouldn't have mentioned the speech now if it hadn't linked up so wonderfully with the final speech made by my learned friend, the opposing advocate, on the other side. And it is Advocate Hiemstra, my learned friend, who comes to Nylstroom, and makes a speech on Group Areas, the contents of which we unfortunately do not know. But, Sir, if his attitude towards the Indians was the same as it appeared to be half-an-hour exactly ago, and if his attitude was then that the Indians must be punished for the sins of their fathers, and that the wings of chickens gather on the clouds, and cover the clouds in the sky, and that the warning signal has been given, if that was his attitude, one is no longer surprised that we now have a concerted front from Church to Burgerlike Vereniging via the Sisterhoods - a concerted front clamouring for Group Areas in this town. And, Sir, that that really was the position seems to be fairly clear, if one bears in mind not only that there was no discussion ever on the implications of any Group Areas scheme as to costs - not even the Burgerlike Vereniging, not even Lieut.-Colonel Skietkommando Mr. Venter was told what the costs would be of this magnificent scheme, and, of course, one is not surprised that everybody suddenly joined in this magnificent cry, "Let's have a Group Area." "Let's have a Group Area, because what does it give us?" Oh, it gives you tremendous things! We have heard from Mr. Botes, a scribe of one of the Churches, a teacher, and a man well versed in the things of life, we have heard from him what necessity there is for Group Areas. He was the gentleman who, for the first time, spoke about sacrifices, when he

told you that not only has he read the speech of the Minister, Dr. Dönges, on the Debate on Group Areas in the House of Parliament, but many other things. And, when he, together with others, talked about Group Areas, and when he talked in this completely mistaken way of sacrifice, which has now been repeated by Mr. Wessels for the Planning and Reference Committee - the meaning of "sacrifice" - then one does not wonder that the Group Areas Act had some magic attraction to everybody, or may I say in fairness to the two very courageous men standing up here, Mr. Kotze and Mr. De Jager - practically everybody, the magic attraction, the magic word "Group Area" had.

May I remind you, Mr. Chairman, of the typewritten application of the Churches, or one of them, or two of them, signed by Mr. Botes, the gentleman who was a witness - the only witness for the Churches - in which he rather sentimentally tells the Board what efforts they made in the past to get rid of the Indians round the Kerkplein. The landlord for the last thirty years has been the Church. The Church has let shops to certain Indians, had collected the rents, and probably put these rents to very good use. And then, suddenly, when it didn't suit the Church any more, and then on the left there was European trade in Collins Street, the café, and the garage, and another place, and they remembered that right round in Potgieter Street there were two harmless Indian shops, then suddenly, so he recites in his own application, and he replies to the cross-examination, then he says they've tried everything under the sun - the Rents Legislation - they started

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