

not treated with ordinary courtesy when he goes to make objections. I consider the high taxation is one of the reasons which make living so very expensive. I also want to express my surprise that the people of Johannesburg always talk about other taxes and never refer to these.

Chairman.

That is not really a matter that comes within the province of the Commission. The authority of the Commission does not include a recommendation to mix themselves up in the local administration of Johannesburg. I always understood the matter to be entirely in the hands of the people of Johannesburg, and it is for them to look after their own interests. Unless the Government gives special instructions we cannot possibly go into this matter. We will go into the evidence and see if any of it comes within our scope.

Kock's evidence.

FRANS W. KOCK, chief of the Pass Department of Johannesburg, was then called. He handed in a statement, of which the following is a translation :—

Pass Law.

I have the honour to state, with due respect, that I have read the different declarations with attention, dealing with the Pass Law, being Law No. 31, 1897, as given by the different witnesses before the hon. Commission. To make any remarks to that portion which reflects on my defective administration, I consider unnecessary, as comment would be superfluous; but still, the evidence of Mr. C. S. Goldmann on that point is worthy of consideration. That the Pass Law is an exceedingly good law for the control and regulation of the native labour on the goldfields in this State must be acknowledged; it requires, however, some modifications and improvements to make it better and more complete. And although most of the witnesses who were before the Commission, wished strongly to impress this upon the Commission, I have not yet learned that one of them has made a definite and practicable proposal how to effect these improvements, and I will now try to give your Commission an idea of what would be necessary for the proper administration of the Pass Law, and will thus place my report under two heads, namely—(a) Administration and (b) Amendments of the existing Pass Law.

Administration of Pass Law.

Law good as it requires amendment.

Administration of Pass Law.

Proclamation of Johannesburg, Boksburg, and Krugersdorp districts.

(A) Administration.—I. According to a proclamation in the *Staats Courant*, the Witwatersrand goldfields were proclaimed in three divisions, namely—Johannesburg, Krugersdorp, and Boksburg. First under Law No. 23, 1895, and, later, under Law No. 31, 1896 (at present in force). In each of which divisions the Government appointed a staff of officials.

Appointment of chief administrator.

II. Since the Pass Law Regulations were put into force, it appears that, in order to ensure good and efficient administration of the Pass Law, it is necessary, and of the greatest importance to the mining industry, that further appointments should be made under the Pass Law, namely—(1) a chief administrator, or head of the department over the three labour districts on the Witwatersrand goldfields, and over such other goldfields, public diggings, and private unproclaimed fields of this State as the President, from time to time, by virtue of Article 2, Law No. 31, 1896, may proclaim. Such chief administrator shall stand under and be responsible to the Minister of Mines, and under such instructions and regulations as the Minister of Mines shall draw up and submit to the Government for approval; (2) a special

Duties of chief administrator.

Appointment of special pass commissioner.

Special police force instituted for districts under Pass Law.

commissioner for the Johannesburg labour area, where the circumstances are peculiar, and such other labour areas where circumstances demand it; (3) a force of twenty more mounted police, and as many for the other labour districts as may be found necessary; (4) one chief warder, with six or more under-warders, for the Johannesburg labour district, and as many for the other districts as may be deemed necessary. The appointments are *inter alia* necessary.

(a). Chief administrator or head of the department, to conformably regulate the different Pass Offices under his jurisdiction, so that the Pass Law may be administered in the same way wherever proclaimed; for instance, it is administered in a different way in each of the present proclaimed areas, whereby the objects of the Pass Law become frustrated and useless. A head who would take an interest in the working of the department, and who would have the time and opportunity at his disposal to represent and lay before the Government the difficulties and requirements, in this respect, of the mining industry?

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(b). A Pass Commissioner, who shall have the same jurisdiction and powers as a Criminal Landdrost, and who shall stand in direct connection with the pass offices, so as to expedite matters, to adjudicate upon all cases falling under the provisions of the Pass Law.

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Attached to the pass offices must be a charge office, where natives who have transgressed the provisions of the law, especially arrested deserters, can be kept for about twelve hours, for identification by their employers, after which they could immediately be dealt with according to the law, or ordered back to their employers, as circumstances may demand.

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(c). For the assistance of the pass issuer, and the detection of deserters, a complete staff of police is necessary; and

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(d). For the proper control of the charge office, and assistance to the pass issuer, a staff of warders, as above specified.

The probable revenue from this office for the year 1897 will be £67,500, and about £15,000 in fines, while, if a staff, as suggested by me, were appointed, the expenditure would hardly be £15,000 per annum.

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(b). Modification of the present Pass Law.—Since Law No. 31, 1897, was put into force it appears that certain regulations thereof are incomplete, and to make it more practicable further amendments are necessary, namely:

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Art. 4. 2nd par., 4th line, to erase the words "without unreasonable delay," and insert therein, "within 4 days."

Art. 5 (a), 7th line, to erase the words, "Irrespective whether the same be from within the Republic or from beyond the borders thereof," and to insert therein, "obtained in accordance with Art. 4 of Law No. 22, 1895, or Art. 11 of these regulations."

Article

(b). To add a new sentence as follows:—"And the pass official shall destroy the travelling pass immediately after registration."

Art. 7. To add, "contraventions of this article shall be punishable with a fine of not less or higher than £3, or not more or less than three weeks' imprisonment with or without hard labour, or lashes not to exceed 25."

Article

Art. 13. New par. to add the following. (a) "The pass issuer is empowered, in the event of registered natives going to work temporarily in another labour district, to issue a certificate granting leave that natives may be moved to another labour district on travelling passes; provided that their employer made proper application to the pass official, such certificate must mention the name and registered number of each native, the time for which it is granted (not to extend, however, beyond two months), what sort of work has to be executed, and the name of the employer. A copy of this certificate must be sent to the pass officials, for information, in the other district. Such natives must be provided with (a) a monthly pass of the district in which they are registered.

Article

(b). When natives are transferred for good from the one labour area to another, they wish to leave in accordance with Art. 11 of these regulations, in order to work

there, their monthly passes shall remain in force for the new labour district, to the end of the current month, provided they are endorsed by the proper official.

Art. 14 to read as follows: "Any native found in the labour district without the district pass of form 'A' and metal badge of that labour district, or without a travelling pass or any contravener under Art. 9, shall be punishable on conviction with a fine of not less or exceeding £5, or imprisonment for not less than six weeks or more than two months, with or without hard labour, or lashes not exceeding 25.

New par.—Any native sent by his employer, or who, with the consent of his employer, wishes to go anywhere within the labour district wherein he is residing, must be provided by his employer with a special permit, describing the circumstances of his mission, the date of issue, and period for which the permit is granted, but in no case shall such a permit be granted for longer than three consecutive days.

Any native found in the labour district without this permit shall be punishable in accordance with the punishment as laid down in the above-mentioned article.

Art. 16, 15th line, after the figure £5, to insert the word "or."

Art. 18 to be replaced by the following—"Any native leaving one labour district for another, not provided with the proper travelling pass of form 'C,' shall, when arrested, be immediately handed over for punishment to the authorities in the labour district from where he came in the first instance; and, in the event of having deserted after punishment to be sent back to his employer. Contraventions of this article shall be punishable in accordance with the punishment as laid down in Art. 14 of these regulations."

Art. 18A. It shall not be lawful for any native within a labour area to be a master of natives. Punishment for transgression of this article to be in accordance with the punishment as laid down in Art. 14 of these regulations.

Second Art. 18 to be altered to Art. 19.

Art. 21. To add a new par. to Art. 21, as follows:—"Whenever a native is hired by the week or month, either the native or employer shall be held to give one another one week or one month's notice. In all other cases, if the engagement is for a longer period, one month's notice shall be required. In case of misbehaviour or dereliction of duty on the part of the native, the master shall not be obliged to give this notice if he wishes to discharge the native."

Art. 22 (a), first line, to insert after the word "employer," the following: "agent, mediator (*bemiddelaar*), or person."

Art. 23. To add a new par.—"The district passes of all deserted natives shall be sent in, together with the returns of form 'E,' to the pass official, and a note shall be made in the registers kept in the Pass Office of such desertions, and the district passes destroyed."

Art. 27, fifth line, to insert after the words "labour inspector," the following: "Clerks, police, warders, and other subordinate officials under the jurisdiction of the pass issuer."

Art. 32. To add a new par.:—"The Sanitary Board shall not issue any travelling ('togt') or other licence to natives unless permission first be granted by the pass issuer."

New Art. 32A. All contraventions committed by natives, against which no provision for punishment is made in this law, shall be punishable by a fine not exceeding £3, or imprisonment not exceeding three weeks, with or without hard labour, or lashes; and contraventions committed by whites shall be punishable in the same manner, with the exception of lashes.

The whole object of the Pass Law is the control and regulation of native labour on the goldfields, and if the desertion of natives can be prevented, the mining

industry would be fostered, and the object of the law attained. Should the above suggested proposals therefore be approved of and accepted, I have no doubt that this would to a large extent be the result, and with some further modifications the Pass Law might be made to operate throughout the entire Republic, so that this control and regulation will be exercised not only over the natives on the various goldfields, but also over those going to and from them, and over all of those in the Republic. It is, of course, well known to me that large numbers of natives desert from the mines, and also that not many of them are again brought back to their employers; I do not, however, admit, as several of the witnesses stated before the Commission, that *no* deserted natives have been arrested and returned to the mines. Besides, it is by no means certain that natives deserting are not punished, as no native can obtain a travelling pass, district pass, or badge, or be re-registered unless he has complied with the one or other regulation of the Pass Law. It thus speaks for itself that, perhaps with a few exceptions, deserting natives are punished. It has to be acknowledged that when a native throws away his passes and badge, he cannot again easily be identified by any of the pass officials, and I challenge anyone to describe a native, and register him in such a way that he would be able to identify him without the aid of his passes and badge, out of 60,000 other natives.

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This is the case with every native registered, but should they still be in possession of any of their passes or badge, identification becomes easy enough. Identification would, therefore, be easier by the officials of the different mines, and in order to meet this I have suggested a charge office, with a large yard, where all natives arrested could be kept for a certain time to ensure identification by their employers.

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According to my opinion, the question is not so much the detection and apprehension of deserters, but the prevention of desertion. Prevention is always better than cure, and this may be accomplished only by taking away the inducement to desert, which may be done in two ways:—

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(1) By mine managers and other employers of natives; that is, by acting strictly in conformity with the provisions of the law by not engaging deserted natives and those who have not fulfilled the requirements of the Pass Law, such as was and is the case at the present day.

It is unreasonable to expect that the Pass Law can be carried out with proper effect if only a small portion of the public act up to it.

(2) By making the punishment for desertion so severe that no native will venture to leave his employer illegally, and for this offence I have accordingly suggested a punishment to meet the case.

Finally, I may state that I am the first Pass Issuer appointed under the Pass Law, and the above remarks and suggestions have been made from facts gained by experience, and I believe I have had a better opportunity than anyone else to become thoroughly acquainted with the different requirements and discrepancies of the Law, and that I am therefore in a position to give a sound opinion on the matter; being at all times willing to give any further information or explanation.

If these proposals were adopted it would be greatly in the interest of the mining industry. I thought the mines had approached the Government themselves regarding the faulty working of the Pass Law, and being under that impression I waited the outcome before carrying out my intention of approaching the Government personally on the matter. There was a meeting of mine managers called, and before it was held some of the managers called on me for an expression of my views. I agreed, and they then asked for my views in writing. I complied, and the document is still in the hands of Mr. De Roos and Mr. Johns. The managers then

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asked me if I was willing to submit my statement to the Government if they agreed to the provisions, and I said I was quite prepared to go to Pretoria and explain the matter to the head of the Mines Department. Nothing, however, came of that. Subsequently I saw in the paper that the mines were taking up quite a different proposal to the one I had submitted, and that is the reason why I have delayed placing the matter before the Government. I got no report from the managers what their opinion was, although the mine managers were going to petition the Government. I cannot quite see if the law were altered that it would interfere with the administration of the three departments—Judicial, Minister of Mines, and Native—and my suggestion is that the head of the Pass Department would still be under the Minister of Mines.

administration
office.

Mr. Joubert observed that if the law was altered as proposed it would create a new department of administration.

Witness said there would be another landdrost, and he would sit on these special cases. Continuing, he said: What I want to see is one head regulating equally the work on these fields.

Mr. Hay.

The proposal regarding the appointment of a special judicial officer practically means another landdrost?—It would only be a special department for a special judgment.

He would be dealing with the Native Department?—Yes. Government must appoint a third or fourth landdrost whose work is to deal with the Pass Law.

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natives.

There is one clause, or a suggested new article, referring to the question that no native is to be a master of natives. Don't you think that in laying down a hard and fast rule of that kind the law would work very awkwardly sometimes?—There is a correspondence pending on the point. I formally proposed to the Superintendent of Natives, that if special free passes were asked for, the applicants should be registered. But a Volksraad resolution has been taken, and it now happens that natives, except in the case of missionaries, ask for free passes, and then they lure a lot of natives. The Pass Law says every native must have a master, and that is the reason why I make this proposal regarding native masters. As an alternative I have asked for a limit to place on the number of kaffirs a native can hire.

Would it not be wiser to include in this law a provision that in the case of a "native" man hiring natives that he has the authority of the head of the pass administration.—It is a difficult question.

These pass regulations, as drawn up, apply particularly to kaffirs?—Yes.

people boys and
bastards.

Then the difficulty arises with the people known as Cape boys and bastards. That is the reason I made the proposals, in order to give the Government an opportunity of drawing the line.

Don't you think it would be better to separate the two classes of people altogether—that is, make a distinction between the native who works on the mine and what is known as a bastard?—I think it would be difficult to draw the line. You cannot make two laws, and the same law must apply to all natives, just as the same law applies to all whites.

But you have got the question of white people, you have got the mixed breed and you have got the pure kaffir. Don't you think it would be better to make a regulation to enable this middle class people to register, and give them a certificate for a year?—My recommendation to the Superintendent of Natives was that the