



Chapter Ten

How the Mines got their Labour

The Pass Laws

The pass law is perhaps the harshest single law experienced daily by thousands of Africans in today's apartheid system. Yet it goes back long before the present government came into power. What is the pass law and how did it start? This chapter traces the history of pass laws and shows how they were used by the mining industry to control labour.

The last chapter described how the contract system helped to control the supply of labour to the mines. After a worker was recruited, he would have to sign a contract, undertaking to stay on the mines until his contract expired. If he broke his contract and left his job, or if he stopped working without permission, he could be jailed.

'DESERTION'

Nevertheless, thousands of workers broke their contracts.

They left the mines because of the low pay, the bad conditions in the compounds and the dangers of working underground.

They left because under the contract system workers could not improve their working conditions or their pay. They were not allowed to bargain for improvements. They were not allowed to strike. So, many did the next best thing – they left and went to look for better jobs.

Some of the workers who left went home again. Many were caught, punished and sent back to the mines. But many were not found again. The mine-owners and the police did not always know where the workers came from or where to look for them.

When workers left their jobs, mine-owners called it *desertion*. They complained that it was no use having a contract system that

made 'desertion' a crime if the people who broke the contracts were not caught and punished. They demanded 'pass laws'.

EARLY PASS LAWS

Pass laws were not new. The first pass laws were introduced more than 200 years ago, in 1760, and applied to slaves in the Cape. Then, in 1809, the Governor of the Cape made a law which said that all 'Hottentots' had to live in one place. If they moved, they had to have a pass. By 1827, all Africans who came from outside the Cape had to have a pass.

These laws were introduced to

control the movement of people into the Cape Colony. This was an early form of the *influx control* that we know today.

There were also pass laws in Natal, the OFS and the Transvaal. But it was not until the discovery of diamonds in Kimberley that pass laws were fully enforced on Africans in the Transvaal.

Farm labourers began to leave the white farms to go to Kimberley. The wages on the diamond fields were higher and they were paid in cash. (On the farms, workers were paid mainly in crops.) White farmers were worried about losing their workers. They had to find ways to stop them from moving away.

TRANSVAAL PASS LAWS

In 1870, the Transvaal government made a 'one shilling' pass law. Africans who left the Transvaal had to pay a shilling to get a pass — and this was worth a lot to people who hardly ever saw money. Anyone caught leaving the Transvaal without a pass would go to jail.

Two years later, the Volksraad — the Transvaal government — passed an even stricter law to keep Africans working on the land of the Boers. Those who left the Transvaal now had to pay one pound two shillings and six pence (R2,25) for a pass.

In those days, the Transvaal was controlled by white farmers, the Boers, and the Volksraad made laws mainly for their benefit. It made these pass laws to stop people leaving their farms.

'The whole intention of the pass laws is to have a hold on the native whom we have brought to the mines, be it from the East Coast, South or from the North, at considerable outlay to ourselves.'

— Chamber of Mines.¹

'The Pass law is nothing but slavery and forced labour. It was made to force the natives to work.'

— D.S. Letanka, Transvaal Native Congress.²

PASSES ON THE MINES

After gold was discovered in the Transvaal, the government made much money by taxing the mines. The Volksraad was still controlled by Boers, but they realised the value of the mines. They were ready to help the mine-owners to get the cheap labour that they wanted.

Deep-level mining needed far more cheap labour. In 1896, the year deep-level mining began, the Volksraad passed two laws to help the mine-owners control the supply and movement of black miners.

* The first law was a stricter pass law. It said: 'All Natives on the Rand must be in the employ of a master and wear a metal plate or badge on the arm in token of such employ.' If an African man did not have a badge, it meant that he was not employed, so he should not be on the Witwatersrand. He could be arrested and imprisoned, or forced to work.

* The second law divided the gold mining areas into *labour*

districts. When an African entered a labour district he had to get a *district pass*. This district pass allowed him to stay for three days to look for work. If he had not accepted a job within three days, he had to leave that labour district and look for work in another district where labour was short.

With these additions to the pass laws, the mine-owners hoped to control the thousands of unskilled workers on the mines. They hoped that the pass system would stop desertions and channel workers to the mines that were short of labour.

The new laws restricted the freedom of black workers to choose jobs — they could be forced to work in areas that were inconvenient and on mines where working conditions were known to be particularly harsh.

STRICTER PASS LAWS: LOWER WAGES

In 1897, a year after the stricter pass laws were introduced, the Chamber of Mines decided to cut the wages of black miners. All the gold mines agreed to pay unskilled workers a fixed, low wage. No mine would pay more than 12 cents a shift for surface work. The most any unskilled underground worker could ever get was 25 cents a shift.

The Chamber of Mines expected trouble after they had forced wages down. They asked the government to send extra police to guard the mines and the compounds.

PASS OFFICE

*Take off your hat.
What is your name?
Who is your father?
Who is your chief?
Where do you pay your tax?
What river do you drink?*

We mourn for our country.

(Zulu song.)³

Johannesburg Pass Office, 1903.



Serial No. Form 1 L. IN CASE OF RENEWAL OR EXCHANGE OF EMPLOYER.

NATIVES LABOUR IDENTIFICATION PASSPORT. REGISTERED

No 23303 A. District JOHANNESBURG.

1. Name (Native) Charles Mfela si
2. Name known by Charles
3. Father's Native Name Ngwenk
4. Title or Nationality Basa Mukowla
5. Place of Residence Mzanglanga M'elabb J.R.
6. Travelling to Transferred (To be filled in at Pass Office.)
7. In charge of [Signature] Pass Officer JOHANNESBURG Date 9. 2. 03.
8. For character reference Pass Officer [Signature]
9. For use at Registry Office only.
10. Endorsed for Return Home [Signature]
11. Transfer Stamp [Stamp: Native Pass Office, 2 MAR 1903, JOHANNESBURG]
12. [Stamp: Native Pass Office, 9 FEB 1903, JOHANNESBURG]

The Pass

The pass was a document of labour control. Any white or policeman could stop an African and ask to see his pass. When he looked at the pass he would find:

- * the name and address of the bearer, as well as his father's name and his chiefdom, so that the bearer could easily be traced if he ran away or committed a 'crime';
- * the name of the district where the pass owner was allowed to look for work;
- * the date on which the pass was issued — the pass bearer had only six days to find a job, otherwise he had to try for another district. This method made sure that labour was directed to the areas where it was most needed;

* the names and addresses of all the employers of the pass bearer, past and present; how long he had worked for each of them; what kind of work he had done and what the employer thought of him (in the character reference, at the back of the document). In addition, the pass bearer's wages for each job were recorded. The job seeker was therefore at the mercy of all his employers. What they said about him decided whether he would get a job in the future. The wage he had been paid in the past decided the wage that he would be paid in the future.

All the information on the pass was also registered in the files at the Pass Office, making it easier to keep track of all workers. Notice that desertion had to be reported to the Pass Office, so that the deserter could be caught and punished for breaking his contract.

Black miners responded in the only way they could: as wages fell, desertion rose.

In the mines of the Robinson Company, for example, after the wages dropped 1 600 workers deserted in less than a year. Not one was caught and brought back to work on the mines.

Again, in 1897, figures showed that 14 000 Africans deserted from 33 mines — and again, not one was brought back.

The mine-owners blamed the government for not employing enough policemen to check passes and arrest deserters. One

mine-owner, S. Jennings, complained to a government commission in 1897 that it was possible to keep down the wages of unskilled workers only if the government helped to control the workers. He said:

'We have a most excellent law, namely the pass law, which should enable us to obtain complete control over the kafirs. (But) the Pass Law gives us no such protection... As the matter now stands, we import kafirs who sign a contract to serve us for 12 months; many leave after a couple of weeks and

*it is impossible to recover them.'*⁴

Another mine-owner, Sir Percy Fitzpatrick, said, *'We cannot maintain the new rate unless the government helps us in carrying out the Pass Law.'*⁵

Soon afterwards, in 1899, Britain went to war against the Boer republics of the Transvaal and the Orange Free State. What became known as the Anglo-Boer War lasted nearly four years. (Chapter 12 deals more fully with this subject.) Most of the mine-owners supported the war and were very happy when the British won it.

TWO VIEWS OF THE PASS SYSTEM

'The pass system protects them (black workers) against unscrupulous employers and when a dispute over length and conditions of service arises. Also in the event of accident or death it makes it possible to inform relatives and remit money.'

Government official, 1919.

'A passport is supposed to be a protection to natives and re-

After the war, the new British governor tightened up the laws to help the mine-owners to get more workers for the mines, and to control them. He also 'modernised' the pass system. Instead of the old metal badge, the pass became a signed document, giving full details of the worker's history. The worker had to carry his pass at all times if he was not either at work or at home. This made it easier to keep track of every African worker. At the same time, the governor enlarged the police force to make sure that the pass system was effective, and that 'offenders' were caught and punished.

THE FUNCTION OF THE PASS

A pass was many things: it was special permission to look for work in a certain district; the monthly pass was a record of a man's background and history; it showed if he was employed, where and for what wage; it showed whether he had ever been convicted of a crime, however small; it indicated that he had paid his taxes (otherwise he would not have been given a pass at all); and it also gave a character reference by his previous employers.

The photograph on page 41 shows the monthly pass.

There were other passes too.

1. **The Six-day pass** gave a work-seeker permission to look for work in a particular district for six days only. This period included weekends and public holidays. After six days, if he

garded as an agreement made at the Pass Office between the employer and the employee.

Questions: (1) If so, why should I be compelled to carry this agreement or document with me? (2) Why should police run after me day and night asking me to produce this document and cause me to be absolutely restless? (3) Why can't I place it in my box for safety?'

— Member of the Transvaal Native Congress, 1919.⁶

had not found employment, the work-seeker had to leave the district, or break the law.

2. A **travelling pass** was also required if a man wanted to leave his home and travel to another district to find a job. He had to pay a shilling fee for this pass.

3. **Night passes** had to be carried by any black person who was out in a municipal area after 9.00 p.m. These were signed by the employer.

4. A **'special' pass** had to be carried when a worker left his employer's premises, even for a few hours. The 'special' was directed at black mine-workers who left the compounds.

Any white man or policeman could stop an African and ask to see his pass. If the pass was not in order, the 'wrong-doer' could be arrested. Any desertions had to be reported to the Pass Office, so that the deserter's records could be traced, making it easier for him to be caught.

'PASSES PREVENT MONEY'

'At our meeting at Vrededorp on 30 March 1919, we came to the conclusion that passes prevent money.'

— Transvaal Native Congress pamphlet, 1919.⁷

In 1899, the Chamber of Mines had demanded 'a complete system of control over the natives at the mines, so that they could be traced from place to place from the date of their arrival on the fields to that of their departure.'¹

The British governor's new pass system after the war gave the mine-owners good reason to be satisfied.

'We are now able to deal with our mines and other enterprises in this country as one would naturally deal with these undertakings,' said mine-owner Sir Percy Fitzpatrick in a speech to the shareholders of Rand Mines in 1903.⁸

And because the pass system increased employers' control over their workers in a number of ways, it served to maintain an obedient work force — the character reference could prevent a man from being employed again, as could the 'criminal' stamp if he broke his contract. 'Troublemakers' could be endorsed out and lose their jobs and passes for ever. In addition, the six-day pass deprived a man of the time he needed to find the highest pay or the best job — he had to take what he could get (usually on the mines). Passes restricted workers to certain labour districts, so that they were not free to move to where the best jobs were.

In short, the pass system:

- * restricted freedom of movement by directing workers where employers needed cheap labour;
- * enforced the contract system by making sure that they stayed there as long as they were wanted;
- * policed the workers and 'weeded out' the unemployed;
- * further weakened the position of the black labour force;
- * and in so doing, helped to maintain a cheap labour system.

The control of labour through the system of pass laws continues in South Africa to this day.

