A SURVEY OF RACE RELATIONS IN SOUTH AFRICA 1958–1959

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Party-Political Developments

A number of changes of great interest and potential future significance have taken place in the field of party politics during the past year.

THE NATIONAL PARTY

Apartheid, hitherto a somewhat vague concept in Government circles, has been given a much more definite form and direction by Dr. the Hon. H. F. Verwoerd, who became Prime Minister on 24 August 1958. The leaders of the National Party have now accepted that Africans cannot forever be denied political rights. Their solution is to provide increased rights of local self-government in the African Reserves, thereby, in Dr. Verwoerd's words, 1 placing the Bantu on a new rung of a ladder of development which can continue as far as he is able to take it. If it is within the power of the Bantu and if the territories in which he now lives can develop to full independence, it will develop in that way.

But, Dr. Verwoerd continued, "The National Party supports the policy that the White man wants to retain his domination over his part of the country." Africans in the towns and the White rural areas (who form more than half the total) were to be given no political or land rights, he said. The representation of Africans in the central Parliament was to be abolished. Africans in the towns (about 27.5 per cent of the total) were to be regarded as interchangeable migrants, even if they had lived there for several generations.

This policy—embodied in the Promotion of Bantu Self-Government Act, No. 46 of 1959—is described in more detail in the chapter of this Survey entitled "The New Concept of Separate Territorial Development".

Mr. J. D. du P. Basson, M.P., a member of the National Party, subsequently accused Dr. Verwoerd of having introduced this legislation without consultation with any of the senior governing bodies of the Party, nor with the Parliamentary caucus, let alone the voters. 2 Before the Promotion of Bantu Self-Government Bill was introduced, Mr. Basson had already departed from the strict party line in two respects. He had maintained that any well-meaning Whites or group of Whites should have the right to consult with Non-White leaders, while the Party leaders apparently

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1 Speeches in the Assembly, 24 March 1959, Hansard 9 cols. 3076, 3078, and 20 May 1959, Hansard 16 col. 6221.
2 Assembly, 25 June 1959, Hansard 22 col. 9498.
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hold the view that only the Government should discuss policy matters with Non-Whites. At the SABRA conference in April, Mr. Basson had also differed from the Minister of External Affairs in urging that an exchange of diplomatic representatives with the emergent African states should be made sooner rather than later.

During the debate in Parliament on the Promotion of Bantu Self-Government Bill, Mr. Basson strongly opposed the decision to abolish the Parliamentary representation of Africans. The party's regional committee in his constituency of Namib, South-West Africa, approved of this action and called upon Mr. Basson to resign. He refused on the ground that the meeting was not a representative one, only 16 out of 39 members being present. Subsequently, during July, the head committee of the party in South-West Africa, after discussing the matter at length, postponed a decision for six months, inviting Mr. Basson in the meanwhile to make proposals for bridging the gap that had emerged between himself and the party. At the end of the six months, as Mr. Basson's views were unchanged, he was expelled from the National Party by majority vote, but did not resign his Parliamentary seat.

How far the policy foreshadowed in the Promotion of Bantu Self-Government Act is supported by the National Party is not yet clear. During the provincial election campaign in September and October, the United Party dwelt on the dangers it considered inherent in the plan to establish independent Black states within the Union's borders. Prominent National Party members then assured the electorate that in fact the Africans in the Reserves would never achieve self-government; but Dr. Verwoerd hastened to re-affirm his previous statements.

SABRA, whose aim it is to promote the separate development of Whites and Non-Whites while protecting the interests of all, pledged wholehearted and unqualified support to the Prime Minister in his plans for the development of the African areas.

It is doubtful, however, whether the rank-and-file National Party members have as yet really examined or faced the implications of Dr. Verwoerd's policy. The urgent question of the advancing urban African has been thrust into the background, as has consideration of the very large sums of money that will have to be voted if the Reserves are to be developed to enable them to support even their present population.

SABRA'S views on other matters upon which Mr. Basson differed from the Nationalists' Parliamentary representatives are set out below.

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THE UNITED PARTY

Developments within the United Party to July 1959

At the time when the Government introduced the Promotion of Bantu Self-Government Bill, the progressive wing of the United Party maintained during caucus meetings that the party should put forward a positive alternative to the "Bantustan" plan. They urged that it should admit in principle the full implications of the acceptance of a multi-racial community in preference to Dr. Verwoerd's policy of possible ultimate partition.

Their views were, however, not accepted. In his reply to the opening Nationalist speakers, Sir de Villiers Graaff reiterated the traditional United Party policy of "White leadership with justice" in an integrated South Africa. The maintenance of White leadership, he said, would depend on a sincere willingness and desire to share the fruits of Western civilization with those Non-Whites who developed the capacity for accepting and carrying the joint responsibility for the country's future well-being. Only when the Africans had undergone a long period of training in the ways and responsibilities of democracy could claims to greater rights be entertained, and then only with the agreement of a decisive majority of the electorate.

Meanwhile, the White group should be strengthened numerically and the Cape Coloured community restored "to its traditional status of an appendage of the White race". Attention should be directed towards determining the best methods of consultation with the Non-White peoples.

Positive steps recommended by Sir de Villiers for the immediate future were that the number of representatives of Africans in the Senate should be increased from four to six, and that in the election of these Senators, the more advanced and educated Africans should be given a personal franchise. (The Senators have in the past been elected by electoral colleges.) The representation of Africans in the Assembly should be extended to the northern provinces, on the basis of a separate roll, all their representatives still being members of the White race. (The United Party congress later decided on a maximum of eight African representatives in the Assembly.)

Extensive steps should be taken for the development of the Reserves, Sir de Villiers continued. The right to individual ownership of land there should be gradually extended. A system of controlled home ownership should be introduced in areas set aside for Africans in the towns, everything possible being done for the economic uplift of the Africans in order to develop a responsible
Dynamic industrial expansion was needed to raise living standards. The powers of African local government bodies both within and outside the Reserves should be extended, the elective system introduced wherever possible, and effective links created between these bodies and White institutions of government.

Sir de Villiers adumbrated a future type of federal political structure, in which all races would be separately represented in Parliament, constitutional safeguards ensuring that no one group could oppress another.

This statement did not satisfy the progressive wing of the United Party. The Hon. H. G. Lawrence, M.P., Q.C., later announced(1) that he had subsequently written to Sir de Villiers saying, “Time is certainly running out. If responsible White leadership is to make a sincere gesture which can hope to evoke a response among the Non-Whites it must be made now. . . Dr. Verwoerd’s aims require the posing of a clear alternative—an alternative moreover which must rest on sound moral and ethical grounds and which must not involve permanent discrimination for all time. . . . The three major principles in respect of race relationships in the Union, which need to be endorsed and sooner or later implemented, are real consultation, extension of political rights and participation by Non-Whites in our legislative bodies”.

Although members of the progressive wing were dissatisfied, they nevertheless accepted the decision of the United Party caucus.

**The United Party Congress in August**

A bitter attack was made on the progressives at the United Party congress held at Bloemfontein in August 1959. Dr. J. van A. Steytler, M.P., later said,(2) “This bore every sign of having been organized in advance, and it soon became evident to us that a concerted attempt was being made to drive us out of the party. Sir de Villiers did eventually intervene, but by that stage matters had already got out of hand. We were completely unprepared for the hostility shown towards us”.

A resolution was put forward calling upon the congress to agree that any public statement in conflict with the party’s colour policy should be dealt with as an act hostile to the interests of the party. Stronger discipline was called for in such cases.

On the initiative of Mr. D. E. Mitchell, who was backed by Mr. W. Vause Raw (both M.P.’s from Natal), the following resolution was passed:

“The United Party:

(a) is mindful of and maintains the pledge given by General Hertzog in 1936 to provide for the Bantu of the Union

7,250,000 morgen of land under conditions which will maintain the land as an integral part of the Union;

(b) expresses its entire opposition to the acquisition and alienation of more land for the Government’s avowed purpose of giving it to the Bantu tribes which, under the Bantustan policy of the Government, are to form independent sovereign Bantu states, whether such land is today Crown land or in private ownership;

(c) calls on the Prime Minister forthwith to define the boundaries of the proposed new independent Bantu states for the information of South Africa.”

Sir de Villiers said later(3) that the first and third of these resolutions had been passed unanimously. The second was passed by a majority after a long discussion. At the outset he had announced that he personally would vote against it, but would not regard support of it as a question of confidence.

The prime supporters of the second resolution were members from Natal, in parts of which province there has been considerable opposition to the purchase of additional land for Africans, or the handing over of Crown land to them. Although it was agreed in 1936 that an additional 7,250,000 morgen of land should gradually be added to the Reserves, only 6,729,853 morgen of this land was then demarcated. Of the balance, nearly half has to be found in Natal, making a total of 314,000 morgen still to be acquired in the Province.(4)

In the statement mentioned above Sir de Villiers continued, “It was not the intention of congress to break the pledge given in 1936 in the event of the United Party Government being in power and requiring further land for the enlargement of the Reserves. What it was opposed to was the purchase of land designed to become part of independent Native states”.

**Events after the Congress Meeting**

On the evening of the day that the congress ended, eleven members of the party’s progressive wing issued the following public statement.(5)

“The United Party Union congress today took a decision to oppose further purchases of land for Native settlement by the present Government. This is a clear breach of the promise given by the United Party Government in 1936 and, as such, is a backward step from the 1954 statement of United Party policy.

(1) Press statement, e.g. Star, 16 September 1959.
(2) Press statement, e.g. Rand Daily Mail, 21 August 1959.
(3) Statement by Minister of Bantu Administration and Development as published in the Star, 5 October 1959.
(4) E.g. Rand Daily Mail, 14 August 1959.
"As we cannot accept this decision we shall take the earliest opportunity of seeing Sir de Villiers Graaff and discussing with him our future position within the Party.

"We are deeply dismayed by the whole undertone of congress which, in our opinion, fails to face up to the increasingly urgent problems of our multi-racial country.

"We have had no opportunity of consulting with other party members who may share our views."

Other members of the party subsequently associated themselves with this statement. After they had discussed their position with Sir de Villiers, twelve Members of Parliament resigned from the United Party. They were joined by six Members of Provincial Councils, by several candidates for the forthcoming provincial elections, and by numbers of other party members. The Members of Parliament concerned were Mr. R. R. Butcher, Mr. J. P. Cope, Dr. Z. J. de Beer, Mr. C. W. Eglin, Professor I. S. Fourie, the Hon. H. G. Lawrence, Q.C., Dr. J. van A. Steytler, Mrs. H. Suzman, Mr. R. A. F. Swart, Mr. C. B. van Ryneveld, Mr. T. O. Williams and Dr. B. Wilson.

Mr. J. H. Russell and the Hon. S. F. Waterson were at first in sympathy with the views of these progressives, but afterwards left it to Sir de Villiers to accept or reject their resignations as he saw fit. He decided not to accept them.

Dr. Steytler issued a public statement on behalf of the progressive group (9) in which he said, "The crisp point at issue is whether or not the United Party ... went back on a solemn undertaking in the 1936 Native settlement to buy further land for the Native areas of South Africa. We believe that it did. ... The (first) two clauses of the resolution are contradictory, and will enable party members to arouse public opinion on the plateland against the further acquisition of land for Native settlement, particularly in Natal. ..."

"We say that the buying of land is not only necessary to fulfil the pledge of 1936 but is essential for the task of rehabilitating the Native Reserves. Every inch of land bought for the Natives remains an integral portion of the Union and will remain so for very many years to come—probably for ever. We cannot agree to go back on our word because of some hypothetical change which may come about in the status of the Native areas in the far distant future. ..."

"What concerns us and what should have concerned congress is the question of how the Native people of South Africa will react to this decision of congress. We believe the time has come when White people should stop taking important decisions affecting Non-White people without proper regard as to how the latter

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think or feel. Since the Bloemfontein congress we have, in fact, consulted a number of responsible Natives, and we have found that they deplore in the strongest terms this decision taken at congress. They most certainly regard it as a breach of faith on the part of the White man. ..."

"We have come to the conclusion that the temper of the Bloemfontein congress showed a complete unwillingness on the part of most delegates to face up to the challenge of contemporary events here and in the rest of Africa. ... We believe that many delegates want to fight the Nationalists with the weapons of race fear. ... For our own part, we shall try to develop United Party principles in a dynamic and realistic way."

Shortly afterwards, Mr. J. G. N. Strauss, who succeeded General Smuts in 1950 as leader of the United Party, and Mr. H. Oppenheimer, Chairman of the Anglo-American Corporation and former Member of Parliament for Kimberley, also resigned from the United Party, both stating that for the present they had no intention of joining any other political organization. Mr. Oppenheimer added, however, that he found himself in general sympathy with the progressive group.

These events took place shortly before the provincial elections. The United Party had to reconstruct many of its committees. The Houghton Divisional Committee, for example, had resigned almost en bloc, while there had been numbers of resignations of key members of the Parktown, Yeoville, Hospital and other committees, and of candidates for the elections.

During his election tour, Sir de Villiers received a number of impressive demonstrations of loyalty in many parts of the country, especially on the platteland. It became apparent that he had rightly interpreted the conservative attitude of the majority of party members, and his view is that he cannot move faster than public opinion will allow. The progressives, on the other hand, consider that public opinion must be led, not followed, and that far more must be done to awaken the general public to the realities of the situation.

FORMATION OF A PROGRESSIVE PARTY

The Members of Parliament who left the United Party decided not to resign their seats. An interim steering committee was set up under the leadership of Dr. Steytler, to plan a congress to be held during November, 1959, at which a Progressive Party was to be launched. In the meanwhile, various policy committees were appointed and discussions were held with Non-White leaders.

The Progressives decided not to fight the provincial elections as a group, although individual members were given the option of standing as independents.

(*) e.g. Rand Daily Mail, 21 August 1959.
STATE OF THE PARTIES IN THE ASSEMBLY

The state of the parties in the Assembly as at the end of September, 1959, was:

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<thead>
<tr>
<th>Party</th>
<th>Seats</th>
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<tbody>
<tr>
<td>National Party</td>
<td>102</td>
</tr>
<tr>
<td>United Party</td>
<td>41</td>
</tr>
<tr>
<td>Progressive group</td>
<td>12</td>
</tr>
<tr>
<td>Independent Nationalist</td>
<td>1</td>
</tr>
<tr>
<td>Liberal Party (Natives' Representatives)</td>
<td>2</td>
</tr>
<tr>
<td>Independent Natives' Representative</td>
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</tr>
<tr>
<td>Independent Coloured Representatives</td>
<td>4</td>
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<td>163</td>
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OTHER PARTY-POLITICAL VIEWS AND DEVELOPMENTS

During February 1959, Mrs. V. M. L. Ballinger, M.P., the leader of the Liberal Party and of the Natives' Representatives, moved the following resolution in the Assembly, which was defeated:

"That this House is of opinion that the time has come for a full enquiry into the effects of the policy of apartheid as applied by the Government over the last ten years, in order to establish:

(a) "the burden which this policy has imposed and must impose in increasing measure on our economic life through politically dictated restrictions on the flow and use of labour and the zoning and siting of industries on the basis of group areas; and

(b) "the extent to which the Government's legislative action and administrative practice in respect of our African population offends against the principles of democratic government by denying to that section of the community all effective share in the business of government, thereby exposing the country not only to the estrangement of the African population but to hostile economic reactions from our neighbours in Africa and from the outside world in general;

"and with this end in view accordingly requests the Government to convene a conference of freely elected representatives of all racial groups throughout the country on the basis of the franchises now in operation in the Cape Province."

THE PROVINCIAL ELECTIONS, 14 OCTOBER 1959

The results of the provincial elections in 1954 and 1959 were:

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<tbody>
<tr>
<td>Cape</td>
<td>30</td>
<td>24</td>
<td>33</td>
<td>19</td>
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<tr>
<td>Natal</td>
<td>4</td>
<td>21</td>
<td>4</td>
<td>21</td>
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<tr>
<td>O.F.S.</td>
<td>25</td>
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<td>48</td>
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<tr>
<td>Transvaal</td>
<td>45</td>
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<td></td>
<td>104</td>
<td>68</td>
<td>110</td>
<td>60</td>
</tr>
</tbody>
</table>

There were unopposed candidates in 83 of the 170 constituencies in 1959. The National Party contested 69 constituencies, polling 305,775 votes, while the United Party contested 86, polling 297,186 votes.

Although the smaller parties did not gain any seats, the results were interesting. Three Progressives, who had broken away from the United Party about two months previously, stood as Independents in Natal, polling 6,637 votes. They proved that the new Progressive Party is likely to be a force to be reckoned with. The Liberal Party did much better than in any previous

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The views of the Natives' Representatives on matters that came before Parliament during the year under review are given in the chapters that follow.

Major-General A. R. Selby, leader of the Federal Party, said at a meeting in Pietermaritzburg that his party felt closer to the Progressives in outlook and much more in sympathy with them than it ever was with the United Party.

The South African Bond stated recently, "We have found a great anxiety among the thinking Nationalists on what the party leadership is doing to the country. The Bond seeks, as a unifying political party, to attract thinking moderates from both sides of the political fence."

A new party called the S.A. National Patriotic Workers' Association was formed in Brakpan during July. It apparently reflects the views of certain ex-Nationalist workers.

Another new group is the S.A. National Democratic Party, which hopes to attract voters from both the National and the United Parties.

(10) 5 February 1959, Hansard 2 cols. 358-9.


election, obtaining 4,697 votes in four constituencies, while the Federal Party did not do as well. It polled 10,392 votes in eleven Natal constituencies. Four other Independents obtained 3,320 votes, and 495 votes were cast for one National Democratic candidate. The total percentage poll was 74.43.

The average number of votes obtained per seat contested was 4,431 for the Nationalists, 3,456 for the United Party, 2,212 for the Independent Progressives, 1,174 for the Liberals, and 945 for the Federal Party.

Had there been contests in all the constituencies the United Party would undoubtedly have gained a higher proportion of the total vote, since those in which its candidates were unopposed were in the main urban ones with larger numbers of voters than there are in the rural constituencies.

The results of the 1959 elections cannot accurately be compared with those in 1954 since there has been a redelimitation of seats during the intervening years. They cannot be compared precisely with the 1958 general election results either, since in Natal and the Free State the constituencies are differently delimited for provincial and parliamentary elections.

The fact that did emerge, however, is that in spite of the disfranchisement of “teenagers” (18 years of age upward) after the general election, the graph of Nationalist progress flattened out. Its majorities decreased in a number of Transvaal urban constituencies whose boundaries were the same as in 1958.

THE AFRICAN NATIONAL CONGRESS

The background

As was described in last year's Survey, between about 1953 and 1958 bans were imposed under the Suppression of Communism and Riotous Assemblies Acts on a number of the leaders of the African National Congress. Although others were nominated to act for these leaders, the newcomers to high office did not enjoy the same national prestige, and internal difficulties arose. Several of these bans expired during 1958. Between 12 April and 29 August of that year, however, there was a ban on gatherings of more than ten Africans in all the major urban areas unless special permission was obtained, which made it impossible for Congress to hold representative meetings at which internal difficulties could be discussed.

In this situation, a powerful bid for leadership was made by the Africanist group, whose slogan is “Africa for the Africans”, and who feel that Africans can best negotiate with other groups from a position of strength. For this reason they have been opposed to collaboration with other organizations within the “Congress Movement”. Other members of the A.N.C. who were not necessarily Africanists had been uneasy about Congress’s participation in the “Freedom Charter” and accused their leaders of letting the (White) Congress of Democrats and the Indians do their thinking for them. Finally, in November 1958, the Africanists and A.N.C. dissentients, led by Mr. Josias Madzunya, walked out of an annual meeting of the Transvaal Congress and announced that they would launch out on their own.

The A.N.C. planned a “stay-at-home” demonstration to commence on 14 April 1958, just prior to the general election. This proved to be a failure, and the leaders lost prestige as a result.

In November 1958 it appeared that the affairs of the A.N.C. were at a low ebb.

A.N.C. Conference in December 1958

An upsurge of new confidence in the leaders and their aims was displayed, however, at a conference held in Durban during December 1958. The National Executive was re-elected almost en bloc. Ex-Chief A. J. Luthuli was re-elected as President-General, Mr. Oliver Tambo, a Johannesburg attorney who had previously been the Secretary-General, was elected as Deputy President, and Mr. Duma Nokwe, a Johannesburg advocate, became the new Secretary-General. Mr. Robert Resha was appointed Press Relations Officer.

The conference fully endorsed the leaders’ policy of striving by non-violent means to bring about a common society, in which all citizens would have equal political rights. Among the resolutions passed was one acclaiming the Pan-African Conference in Accra, which had just been concluded, as an historic event of great importance to South Africa and the world.

Congress called upon “all the enemies of the Nationalists to fortify their resolve to struggle relentlessly against the racialists by strengthening the Congress alliance and by broadening the front to include all those who are loyal to the ideas of a multi-racial society”.

Members decided to prepare themselves for a long and bitter struggle against passes, which they described as “the main pillar of our oppression and exploitation.” They reiterated their “condemnation of Bantu Education”, and resolved to intensify their boycott of school boards and committees and to establish further cultural clubs “directly orientated to fight Nationalist indoctrina-
tion”. They condemned, also, the Bantu Authorities system as “a backward and reactionary form of oppression”.

The executive was directed to appoint a committee to prepare a nation-wide economic boycott of such commodities or institutions as might be decided from time to time. Branches were instructed to take an active part in the strengthening of trade unionism and of the S.A. Congress of Trade Unions, and to continue to popularize the demand for a minimum wage of £1 per day for all workers.

It was decided that the primary task of the organization was to mobilise and rally the African people around the African National Congress.

The economic boycott

After the conference, the leaders set about preparing lists of products of Nationalist-controlled firms which would be boycotted as from 26 June—“Freedom Day”. This caused considerable concern amongst certain firms which suspected or were told that their names were being considered for inclusion. One of these was the Langeberg Co-Operative Ltd., one of the largest canning firms in the Union with extensive membership amongst Western Province farmers. The directors wrote to the A.N.C. denying that the firm was Nationalist-controlled. The political views of members were irrelevant, they said, and no member of the Board was a Member of Parliament. It was reported that after the Co-Operative had agreed to make certain concessions to its Non-White staff, for example in regard to the recognition of their trade unions, its name was removed from the A.N.C.’s list.

At a subsequent conference held in Johannesburg on 30 May, the A.N.C. decided upon an immediate ban on buying potatoes as a protest against the alleged illtreatment of African workers on certain farms. For a time this boycott was comparatively effective—stocks of potatoes piled up in the markets. It began to break down towards the middle of August, and soon afterwards was called off.

Preliminary lists of four concerns and 24 brands of goods to be boycotted were circulated early in June, each A.N.C. branch accepting individual responsibility for instituting the boycott. This was to prevent the firms concerned from obtaining a Supreme Court interdict restraining the A.N.C. from distributing the lists, as had been done during 1957 by the manufacturers of certain brands of cigarettes and tobacco which the Congress group then decided to boycott.

(17) The day on which the “Campaign of Defiance of Unjust Laws” was launched in 1952
(19) This matter is dealt with in a later chapter of this Survey.

Banning of certain A.N.C. leaders and meetings

On 27 May 1959, just prior to a national conference of the A.N.C. which was to be held in Johannesburg, a notice was served on ex-Chief Luthuli under the Suppression of Communism and Riotous Assemblies Acts, banning him for five years from attending any gatherings in the Union or South-West Africa, and ordering him during this period not to leave the rural Lower Tugela district of Natal, where his home is. The first order had immediate effect, while the second came into operation as from 2 June. Ex-Chief Luthuli was able to pay a quick visit to the Reef, but could naturally not attend the conference.

Prominent individuals of all racial groups made unsuccessful pleas to the Minister of Justice for the withdrawal of these banning orders. Mr. D. B. Molteno, Q.C., the President of the Institute of Race Relations, said, for example, “All the Union’s people—not only the Africans—are fortunate that, at this time, a leader of Chief Luthuli’s stature, and with such a record, is at the head of the African National Congress . . . . The Minister’s action, by reason of its palpable injustice, can only have the gravest detrimental effects on the relations between the races”.

The A.N.C. had planned a mass protest meeting for 31 May, the day after its conference, at which ex-Chief Luthuli was to have been the main speaker. On 29 May the Chief Magistrate of Johannesburg, after consultation with the Minister of Justice and the police, banned the meeting under the Riotous Assemblies Act. The A.N.C. then moved the date of the meeting forward to 30 May, hurriedly preparing leaflets to advise the public of this change. However the Chief Magistrate issued a new banning order, prohibiting this meeting too.

(20) The events in Durban are described in a later chapter.
(21) Press statement, e.g. Star, 29 May 1959.
Although the A.N.C. was permitted to continue with its own conference, this was raided by the police who seized documents relating to the proceedings, while detectives of the Special Branch made notes of the speeches delivered.

Other banning orders followed. During June both Mr. Oliver Tambo and Mr. Duma Nokwe were banned from attending public gatherings in the Union and South-West Africa for five years. Early the following month Mr. Robert Resha was banned from being in any magisterial district other than Johannesburg and from attending public gatherings for five years. The four top leaders of the A.N.C. were thus prevented from participating in conferences or meetings; but they did not resign from office.

Mr. Ben Bartman, an A.N.C. leader in Worcester who is of Xhosa origin, was banished to the Ngwavuma district of Northern Zululand under the Native Administration Act, and Mr. Joseph Morolong, the regional secretary in Cape Town, was banished to Vryburg, his place of birth. Shortly afterwards Mr. Oscar Mpetha, president of the A.N.C. in the Cape and general secretary of the African Food and Canning Workers’ Union, was banned for five years from attending meetings and from leaving the magisterial districts of Cape Town, Wynberg, Simonstown and Bellville. Mr. Gert Sibande, the Transvaal president of the A.N.C., has been banned from attending meetings and banished to the Komatipoort area. It was announced on 31 October 1959 that Mrs. Elizabeth Mafekeng, who is Vice-President of the A.N.C. Women’s League and President of the African Food and Canning Workers’ Union, and who has eleven children, had been banished from Paarl and ordered to go to an isolated farm near Vryburg, in the Northern Cape. Instead of going to Vryburg, she escaped to Basutoland.

Banning of certain persons associated with the Congress Movement

At the A.N.C. conference in May, Mr. Ronald Segal, who is editor of the periodical *Africa South*, publicly applied for membership of this Congress. On his return to Cape Town he became one of the targets of Cape Town’s alleged Klu Klux Klan. Anon- 
ymous telephone callers threatened him, and someone set fire to his car by exploding a “petrol-bomb” underneath it. This was a new and disturbing development: it was the first time since the War that violence had been used as a method of political intimidation.

Mr. Segal applied for a firearm licence, but was refused this. Shortly afterwards, when he was allegedly distributing pamphlets advertising the boycott of certain firms and brands of goods, he was arrested and found guilty of entering Nyanga African Township without a permit and of being in possession of an unlicensed firearm. Just over a month later, he was banned from attending public gatherings for five years.

Mr. Peter Beyleveld, the national president of the Congress of Democrats, and the late Mr. Lionel Forman, who was editor of *New Age* and was the advocate who defended Mr. Segal in court, were also ordered to refrain for five years from attending public meetings.

Action taken by the A.N.C. in Natal, and its membership

A description is given in a later chapter of this Survey of the statements issued by ex-Chief Luthuli at the time of the rioting in Natal, and of the A.N.C.’s decision to help the people there to organize their campaign along non-violent lines.

It is reported(10) that during May the congress leaders said that by June 26, paid-up membership would be in the region of 250,000.

THE PAN-AFRICAN CONGRESS

The decision made by the Africanists in November 1958 to found a new movement, and the reasons for this, are described above.

They met in Johannesburg during April 1959, and decided to establish a body to be called the Pan-African Congress (referred to below as the P.A.C.). Although Mr. Josias Madzunya had led the break-away movement, he was not elected to office. Mr. Robert Sobukwe, lecturer in Zulu at the University of the Witwatersrand, was elected President, Mr. Polakio K. Leballe National Secretary, Mr. E. A. Mfaka National Organiser, and Mr. A. B. Ngobolo Treasurer.

Mr. Sobukwe said that the P.A.C. rejected apartheid, but it also rejected multi-racialism. It aimed “at government of the Africans by the Africans, and for the Africans, with everybody who owes his only loyalty to Africa and is prepared to accept the democratic rule of an African majority being regarded as an African”. It guaranteed no minority rights because it thought in terms of individuals, not groups. It aimed at a universal adult franchise.

Mr. J. D. Nyaos of the P.A.C. is reported(11) to have said at a subsequent conference in Durban that it was of the greatest importance that the African’s bargaining power should be built up as a first objective. He would then be in a position where the dignity of his person would be respected and from where he could

proceed to meet members of the at present more privileged groups as an equal.

It will be noted that this is somewhat reminiscent of General Hertzog’s “two-stream” policy which was developed during the first years after Union and was adopted by the Nationalist Party when this was originally founded.

The main difference between the A.N.C. and the P.A.C. is that the former accepts the concept of a multi-racial society in which all citizens will have equal political rights, and is prepared to cooperate with all groups who share this ideal. The P.A.C. rejects multi-racialism because it wishes to focus attention on individuals rather than groups, and considers that the Africans should build up their bargaining power before they negotiate with others. So strongly do some members feel on the latter point that Mr. Madzunya, for one, is reported to have withdrawn his allegiance to Mr. Sobukwe (although not to the P.A.C.) because certain office-bearers held discussions with members of the Liberal Party.

The P.A.C. has adopted a green flag with a black map of Africa and a gold star on it. (The A.N.C.’s flag has green, black and gold stripes.) The National Secretary is reported to have said on 2 August that by then the P.A.C. had nearly 25,000 members in 101 branches.

OTHER AFRICAN ORGANIZATIONS

During August, Dr. Peter Tsele of Pretoria broke away from the P.A.C. to found the Pan-African Freedom Movement.

Other relatively small African organizations still in existence are the All-African Convention, the African National-Minded Congress, the Bantu National Congress and the Bantu Nationalist Party (a small group in Pietersburg led by Mr. Mapeta). (23)

INDIAN AND COLOURED ORGANIZATIONS

The Indian people continue to be divided between the S.A. Indian Congress, which is a member of the Congress Group, and the smaller S.A. Indian Organization. The policies of these bodies were outlined on page 52 of the 1955-56 Survey.

The attitudes of the main Coloured organizations were summarized on page 2 of the 1957-58 Survey. These vary very

RELATIONS: 1958-59

greatly. On the extreme left are the Unity Movement and the Anti-Coloured Affairs Department group. Further to the right, in turn, are the S.A. Coloured People’s Organization (a member of the Congress group), the conciliatory Coloured People’s National Union, the pro-Government Kleinling Volksbond and others. Very large numbers of Coloured people, perhaps the majority, do not belong to any of these organizations.

In the past, educated Coloured people shared the antipathies and sympathies of the Whites, but in recent years they have increasingly concluded that the Whites are disowning them. There has been a very noticeable deterioration in the relations between the two communities. Coloured people are progressively less ready to cooperate with Whites in welfare and other organizations, and large numbers of them have come to regard the Whites as their enemies.

The economic effects of group areas, job reservation and other proclamations have not as yet been fully experienced by the Coloured people; but already a Coloured nationalism is for the first time beginning to develop.

Views and Attitudes of other Organizations and Persons

THE CHURCHES

The Church of the Province in South Africa (Anglican) is continuing its efforts to help people of all racial groups to know that they are brothers in Christ. During December 1958, for example, a Solemn Eucharist was celebrated at St. George’s Cathedral, Cape Town, to mark the Day of the Covenant, the theme of the service being racial harmony. The Holy Communion was administered by the Dean of Cape Town with an African and a Chinese priest acting as deacon and sub-deacon respectively, while a Coloured priest preached the sermon. A motion that the stipends of African clergy in the Anglican diocese of Cape Town should be raised to the level of those of other clergy was passed unanimously by the synod during the same month.

During May 1959 confidential discussions took place in Bloemfontein between leaders of the Anglican and Nederduitse Gereformeerde Churches. Thereafter the Archbishop of Cape Town issued a Press statement in which he said:

“The talks with leaders of the N.G.K. were conducted in an atmosphere of frankness and goodwill. Neither church

(25) Contact, 8 August 1959.
(1) e.g. Rand Daily Mail, 21 May 1959.
Mrs. V. Hashe and Mr. Moses Mabheda of the S.A. Congress of Trade Unions who wished to attend the International Labour Organization conference in Geneva as observers.

Mr. Hans Beukes, a Coloured man from South-West Africa who was studying at the University of Cape Town, won a scholarship offered at the University of Oslo, and was granted a passport. About a week later, however, when he was on the point of leaving, his passport was confiscated. Mr. Beukes then went to Bechuanaland and, while there, was able to obtain a United States visa entitling him to visit New York for the purpose of giving evidence before the United Nations Trusteeship Committee. As all member states of the United Nations undertake to facilitate the journey of anyone going to a meeting, this enabled him to proceed. South Africa's Minister of External Affairs later told the Trusteeship Committee that the passport had been withdrawn because the Government had received confidential information that Mr. Beukes had all along intended giving this evidence.

The S.A. Table Tennis Board is affiliated to the International Table Tennis Federation in preference to the all-White S.A. Table Tennis Union because it exercises no racial discrimination. The Board sent a team to play in a tournament in Stockholm during 1957, and in 1959 intended sending a team to compete in Germany. The passports of live members were withdrawn very shortly before they were due to leave, however. The sixth member had already gone when this decision was taken; but his passport was confiscated when he returned.

Mr. Tom Mboya of Kenya was refused a visa to attend a Durban conference of the S.A. Congress of Trade Unions.

The Treason Trial and Action under the Suppression of Communism and Riotous Assemblies Acts

PROGRESS OF THE TREASON TRIAL

Accounts have been given in previous issues of this Survey of the arrest of 156 persons during December 1956 on a charge of high treason, of the establishment of a defence fund, and of the preparatory examination in Johannesburg which, with adjournments, lasted from December 1956 to September 1957. During December 1957 the charges against 61 of the accused were withdrawn. It was announced later that the Attorney-General had declined to prosecute a further three persons and had withdrawn the charges against a man who was seriously ill. The remaining 91 accused were committed for trial.

Their trial opened in Pretoria during August 1958 before a court of three judges. The main charge was of high treason, and there were two alternative charges under the Suppression of Communism Act. After long legal argument and various adjournments the first alternative charge was quashed, the second was withdrawn, and finally, during October 1958, the Crown withdrew the indictment entirely.

A new and very lengthy indictment was then framed against thirty of the accused, whose trial was to commence on 19 January. It was announced that the remaining 61 accused would stand trial on 20 April. The essence of the indictment was an allegation of conspiracy on the part of the thirty accused to overthrow the State by violence and to substitute another form of state.

Long legal arguments again took place when the first trial opened. The court eventually dismissed an application by the defence for the indictment to be quashed. It granted in part an application by the Crown for the indictment to be amended, but ordered the Crown to inform each accused on which facts, documents or speeches mentioned in the indictment it relied in support of its inference that it was the policy, or part of the policy, of each of the organizations mentioned in the indictment to use violence against the State.

The leader of the defence team then applied for a postponement and for leave to appeal to the Appellate Division on certain questions of law concerning the validity of the indictment. This application was allowed, in spite of argument by the Crown that no case could go before the Appellate Division unless there had been a conviction or an acquittal.

During the postponement the date arrived on which the trial of the remaining 61 accused was due to commence. One of them, Mr. Alfred Hutchinson, had meanwhile left the Union secretly, to take refuge in Ghana. The defence applied for the indictment to be quashed on the ground that it had been framed without regard to previous orders of the Court on the indictment in the previous case. This application was upheld, the Court pointing out that no particulars had been given as to how the Crown alleged the accused had joined in a conspiracy. The Crown asked for leave to appeal against this ruling, but, by a majority decision of two judges to one, the application was refused.

On 17 June the Appellate Division ruled by the unanimous decision of five judges that it had no power at that stage to decide on the validity of the indictment against the first thirty accused.
Their trial was resumed on 3 August. The defence again asked for the indictment to be quashed, stating that the further particulars which had been supplied to the accused by the Crown did not fully comply with the Court's order; but this application was refused.

The accused were then called upon to plead. Each of them pleaded not guilty to the charge in so far as the overt acts mentioned in the indictment were laid against him or her. The leader of the defence team said it had already become clear during the preliminary stages of the case that the central issue was that of violence.

"While no admissions are made in regard to any of the Crown's allegations", he continued, "the defence case will be that it was not the policy of the African National Congress, or any of the other organizations mentioned in the indictment, to use violence against the State. On the contrary, the defence will show that all these organizations had deliberately decided to avoid every form of violence and to pursue their ends by peaceful means only. . . . The Crown has relied in its indictment upon certain speeches, most of them by persons of minor importance, which may seem to suggest the existence of a policy of violence. In so far as such speeches were in fact made in the terms alleged, the defence will say that they may have represented the notions of individuals, but not the policy of the organizations".

Crown witnesses then commenced reading the first of nearly 6,000 documents to be used as evidence against the accused. After some days of this the judges suggested that there might be ways of shortening the proceedings. The defence then agreed to make certain admissions, which were, inter alia, that during 1952 the A.N.C. and the S.A. Indian Congress decided upon and conducted a defiance campaign involving the deliberate contravention of certain 'unjust' laws to bring about social and political changes. Together with the Congress of Democrats and the S.A. Coloured People's Organization these bodies had supported the organization of the Congress of the People, and the collection of demands for inclusion in a Freedom Charter, which was adopted at the Congress of the People. They had recruited or supported the recruitment of 'freedom volunteers', had criticised the colonial system, and had sympathized with the efforts of the colonial countries to obtain self-government.

These four organizations and the Federation of S.A. Women opposed the Group Areas Act, Bantu Education Act, Natives' Resettlement Act and pass laws. The A.N.C. had advocated the boycotting of Bantu schools, had advised the people of the Western Areas not to move voluntarily, and had suggested that African women should not apply voluntarily for reference books.

The five organizations and the S.A. Congress of Trade Unions strongly opposed apartheid. They criticised the Government and also the present constitution of the Union, and demanded a new and radically different system of government. In particular they advocated universal adult suffrage and the abolition of all race discrimination.

In spite of these admissions, it took the Crown more than two months to complete the formal handing in of the documents and the reading into the record of numerous extracts. At the time of writing (mid-October 1959), the Crown had called an expert witness to give evidence about the purposes and methods of Communism.

**ACTION UNDER THE SUPPRESSION OF COMMUNISM AND RIOTOUS ASSEMBLIES ACTS**

In reply to a question in the Assembly the Minister of Justice said that during 1954, 82 persons had been prohibited from attending meetings or gatherings. Thirty-two more were prohibited from doing so in 1955, fifteen in 1956, fifteen in 1957, four in 1958, and nine so far in 1959. The periods for which the orders operated were one year in one case, two years in 81 cases, and five years in seven cases.

Later that month the Minister was asked to supply information about the banning of trade union officials. He said that since 1951, when the Suppression of Communism Act was passed, 26 White, three Asian and seven Coloured trade union officials had been ordered to resign from office and from membership of their unions.

**The New Concept of Separate Territorial Development**

**THE INTRODUCTION OF THE PROMOTION OF BANTU SELF-GOVERNMENT BILL**

Accounts have been given in previous issues of this Survey of the Bantu authorities system which was introduced in 1951. The Government has developed this system to a considerable extent during the year now under review. Not only have large
A SURVEY OF RACE

General Matters Affecting Africans

NEW ORGANIZATION OF DEPARTMENT AND DESIGNATIONS OF OFFICIALS

It was announced on 20 October 1958 that the previous Department of Native Affairs had been divided into the Department of Bantu Administration and Development, with the Hon. M. D. C. de Wet Nel as Minister and Mr. F. E. Mentz as Deputy-Minister, and the Department of Bantu Education, under the Hon. W. A. Maree.

Subsequently, various changes were made administratively in the titles of senior Departmental officials and bodies, as follows:

<table>
<thead>
<tr>
<th>Old designation</th>
<th>New designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native Affairs Commission</td>
<td>Bantu Affairs Commission</td>
</tr>
<tr>
<td>Central Reference Bureau for</td>
<td>Bantu Reference Bureau</td>
</tr>
<tr>
<td>Native Affairs</td>
<td>Chief Bantu Affairs Commissioner</td>
</tr>
<tr>
<td>Chief Native Commissioner</td>
<td>Director of Bantu Labour</td>
</tr>
<tr>
<td>Director of Native Labour</td>
<td>Bantu Affairs Commissioner</td>
</tr>
</tbody>
</table>

The Deputy Minister of Bantu Administration and Development said during March that his Department employed 19 information officers with a staff of 47 other persons.

SIZE AND DISTRIBUTION OF THE AFRICAN POPULATION

The Bureau of Census and Statistics has estimated the size of the African population as at 30 June 1957. Its calculations of the numbers in the towns are based on the assumption that the rate of urbanization has remained constant since 1946. In fact, this may not be so. The results are:

<table>
<thead>
<tr>
<th>Area</th>
<th>Total</th>
<th>Urban</th>
<th>White rural areas</th>
<th>African areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape (excluding Transkei)</td>
<td>1,362,137</td>
<td>485,054</td>
<td>501,952</td>
<td>375,131</td>
</tr>
<tr>
<td>Transkei</td>
<td>1,413,870</td>
<td>23,853</td>
<td>31,980</td>
<td>1,385,037</td>
</tr>
<tr>
<td>Natal (excluding Zululand)</td>
<td>1,560,446</td>
<td>312,632</td>
<td>577,379</td>
<td>670,435</td>
</tr>
<tr>
<td>Zululand</td>
<td>456,008</td>
<td>8,768</td>
<td>53,884</td>
<td>393,356</td>
</tr>
<tr>
<td>Transvaal</td>
<td>3,881,020</td>
<td>1,558,740</td>
<td>1,496,417</td>
<td>825,863</td>
</tr>
<tr>
<td>Orange Free State</td>
<td>862,448</td>
<td>233,825</td>
<td>599,615</td>
<td>29,008</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>9,535,929</td>
<td>2,622,872</td>
<td>3,261,227</td>
<td>3,651,830</td>
</tr>
</tbody>
</table>

This would mean that 27.51 per cent of the Africans were in urban areas on 30 June 1957, 34.20 per cent in White rural areas, and 38.29 per cent in African rural areas.

The Bureau estimates that at the same date there were 767,370 extra-Union Africans in South Africa, and that each year about 278,000 enter and 255,000 leave. Of those in the Union at any given time 37 per cent come from Basutoland, 14 per cent from Bechuanaland and Swaziland, 27 per cent from Portuguese territories, eleven per cent from Nyasaland, and nine per cent from the Rhodesias.

THE "PASS LAWS"

Areas prescribed under the Natives (Urban Areas) Consolidation Act

The Minister of Bantu Administration and Development said during June 1959 that the provisions of the Natives (Urban Areas) Consolidation Act, No. 25 of 1945 as amended, and those of other Acts compelling Africans to carry permits or other authorizing documents entitling them to be in or seek work in an area, apply to all urban areas in the Union—that is, to all areas under the jurisdiction of an urban local authority. They apply, also, in the Divisional areas of the Cape, Stellenbosch, Caledon, Paarl, Ceres, Malmesbury, Worcester and Port Elizabeth, and the Peri-Urban Areas Health Board areas of West Witwatersrand, South Pretoria, Premier Mine, Johannesburg South, Johannesburg North, Alexandra, Brentwood Park, East Rand, Evaton, Vereeniging North and Oogies.

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(1) Information given by Deputy Minister of Bantu Administration and Development, Assembly, 15 May 1959, Hansard 15 col. 5896.
(2) Assembly, 3 March 1959, Hansard 6 cols. 1806-09.
(3) Published in Report of the Department of Native Affairs, 1954-57, U.G. 14/59.
The provisions of the Natives (Abolition of Passes and Co-Ordination of Documents) Act, No. 67 of 1952, which relate to the carrying of reference books by African men apply throughout the Union.

Revised Native Labour Regulations

Revised Native Labour Regulations, issued under the Native Labour Regulation Act, No. 15 of 1911 as amended, were published in Government Notice No. 63 of 9 January 1959.

Various chapters of these regulations deal with labour recruiting licences, the registration of service contracts in rural areas, the provision of accommodation and amenities, labour bureaux, employment in prescribed and non-prescribed areas, control of compounds, and health regulations. Schedules to the regulations lay down minimum ration scales and requirements for accommodation and amenities for recruited labourers.

For the purposes of this Survey, a summary is given only of the regulations governing employment in prescribed areas (as described above).

(a) Regulations affecting employers in prescribed areas

No-one may engage an African who is not registered with the local labour bureau. This applies to African women as well as to men.

When a registered African is engaged, the employer must endorse his own name and address in the African's reference book. Within three days, he must send to the local employment officer a notice giving his name and address, and stating the African's name, identity number, and the date of engagement, nature of employment, and rate of pay. The registration fee of 2s. 6d. must be enclosed.

As it is not yet compulsory for African women to possess reference books, the first part of this regulation cannot be enforced in their case.

Employers must report vacancies for African employees within three days. If an African is discharged, dies or deserts, the employer must, where possible, enter this fact in his or her reference book and must send full details to the employment officer.

The significant change in the regulations made by Government Notice 63/1959 was that for the first time they are made applicable to African women employees.

(b) Regulations affecting employees in prescribed areas

Unemployed African men who are over the age of fifteen years and who are not full-time students must report to the local employment officer within three days of becoming unemployed or fifteen years of age, or within fourteen days after ceasing to be a full-time student. It is, apparently, not essential for unemployed African women to report, but they cannot legally enter employment unless they have done so.

An African man who wishes to enter an urban area for the purpose of entering employment must obtain permission from the district labour bureau, while a woman must obtain permission from the employment officer of the area where she normally lives.

Local employment officers must register Africans who qualify to remain in the urban area, or have been authorized to proceed to such area, or who apply to re-enter the area after an absence of not more than twelve months in order to return to their previous employers for employment in the same class of work as they performed before leaving.

An African who does not fall into one of these categories may be registered if he or she is already legally in the urban area and becomes unemployed, and if there is a vacancy in the class of work in which he or she was previously employed, or in some other class of work approved by the regional labour bureau, and if he or she is prepared to accept such work.

If there is no such vacancy, or if the African is not prepared to accept the work offered, he or she may still be registered for a period not exceeding seven days provided that the African reports daily, and meanwhile lives in a depot if such accommodation is available.

When an employment officer registers an African he must complete a card giving the African's identity number, name, domicile, age, present address, tribal chief, and industrial classification. He must then try to place the African in employment. If an African who does not qualify to remain in the urban area fails or refuses to accept employment in any of the vacancies offered, his registration will be cancelled and he will be referred to the district employment officer for employment outside the town.

If an African who does not qualify to remain in the urban area cannot be placed immediately, or is unwilling to accept the employment offered, he is provided with a card stating in what class of work he may be employed, and he is then given up to fourteen days in which to find work for himself. Should he be unplaced at the end of this period he is again informed of available vacancies, or may be given a further fourteen days in which to seek work.

If at the end of this extended period he is still not placed, and is unwilling to accept what employment is available in the

(9) Africans originally admitted to an urban area for a specified period are not granted automatic permission to return after they have been on leave.
A SURVEY OF RACE

In the past, most local authorities did not issue permits to women who qualified to remain in the urban area, since there was no official record that they were there legally. Many of these women would be living in a municipal township or hostel, and their particulars would be known to the superintendent. Strictly speaking, local authorities should have issued permits to women who were not workers and had been authorized to enter the area; but few had in fact done so. But the new labour regulations made it necessary for all African women in towns to obtain written proof of their legal presence there.

Some of the larger local authorities that had not previously issued permits had to set up machinery for registering large numbers of women with the minimum of delay. About 200,000 had to be registered in Johannesburg alone. The Johannesburg authorities stated that not many African women already in the city were likely to be compelled to leave, but, in terms of the new regulations, far fewer women would be able to enter the area in future. The only women who were immediately affected (apart from the general necessity to register) were those who were seeking work, and those who were not workers but had entered without the local authority's permission.

Application of Natives (Prohibition of Interdicts) Act

Proclamation 268 of 1958, issued on 7 November, applied the Natives (Prohibition of Interdicts) Act of 1956 in respect of all warrants issued by a magistrate or Bantu Affairs Commissioner under Section fourteen (1) of the Natives (Urban Areas) Consolidation Act. This section deals with the removal of Africans who are convicted of being unlawfully in an urban area.

The effect is that if a magistrate issues a warrant ordering that an African must be removed to his home, or last place of residence, or country of origin, or to a rural village, the African may not apply to the Court for an interim interdict restraining the authorities from proceeding with his removal pending an action to set aside the order. He may still appeal against the order if he so wishes, but only after having obeyed it.

The number of reference books so far issued

The Minister of Bantu Administration and Development said during June 1959 that 3,496,465 reference books had been issued to African men (all of whom are required to possess them), and 251,259 identity cards had been provided for extra-Union Africans.

(13) Senate, 19 June 1959, Hansard 14 cols. 4809-10.
He added that by the end of April 1959, 1,950,749 reference books had been issued to African women. If the rate of progress was maintained, he said, the mass issuing of these books would be completed before the end of 1960.

**Convictions for pass law offences**

The Bureau of Census and Statistics has published details of convictions during 1957. Those for offences against laws and regulations relating to the supervision and control of African movement are:

<table>
<thead>
<tr>
<th>Offences against:</th>
<th>Africans</th>
<th>Whites</th>
<th>Coloured</th>
<th>Asians</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curfew regulations</td>
<td>65,371</td>
<td>59</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registration and production of documents by Africans</td>
<td>64,015</td>
<td>107</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Location, mission station and Reserves rules and regulations</td>
<td>77,740</td>
<td>165</td>
<td>2,244</td>
<td>152</td>
</tr>
<tr>
<td>Pass laws</td>
<td>22,705</td>
<td>42</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Other regulations relating to freedom of movement (e.g. extra-Union Africans entering urban areas, offences against Natives (Urban Areas) Act, municipal offences, etc.)</td>
<td>136,080</td>
<td>4,206</td>
<td>1,910</td>
<td>774</td>
</tr>
<tr>
<td>---</td>
<td>365,911</td>
<td>4,413</td>
<td>4,321</td>
<td>942</td>
</tr>
</tbody>
</table>

These figures show that just over 1,000 Africans were convicted per day for every day of the year 1957 for offences against laws and regulations controlling their freedom of movement. And it must be remembered that extremely large numbers pay admission of guilt and do not appear in court. The convictions for "pass law" offences were 34 per cent of the total number of convictions of Africans for all offences.

In addition, 28,364 Africans were convicted for offences against the Masters and Servants Act or other laws and regulations relating to labour and labour relations. There were 177,890 prosecutions (of Africans in the vast majority of cases) for offences against the Native Taxation and Development Act.

The scheme for offering alleged petty offenders work on farms as an alternative to prosecution, the abuses of this scheme and its suspension, are described in the second-last chapter of this Survey, as also are the plans of the Minister of Justice for keeping technical offenders out of gaol whenever possible.

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**Extra-Union Africans**

The laws and regulations governing the presence of extra-Union Africans in urban areas were described in last year's Survey. It was stated that favourable consideration was usually given by the Department to the application of an extra-Union African to remain in an urban area if he could prove without doubt that he had been residing in the Union since a date prior to September 1935.

It appears, however, that the legal position is not clear. At one time, extra-Union Africans who had been in the Union for long periods could qualify for certificates of removal of disabilities, and were afterwards regarded as Union Africans for all administrative purposes; but this arrangement was terminated in 1955. The Department informed the Institute of Race Relations in 1956 that no provision then existed in terms of which "foreign" Africans could acquire Union status. It is reported, however, that in practice some of them have been registered as Union citizens.

A test case was brought before the Supreme Court, Pretoria, during September 1959, when Mr. Meshack Matsoetlane applied for an order setting aside an instruction to leave the Union within seven days, for the restoration of a certificate granting him permission to live in the Union and a permit authorizing him to live in Johannesburg, and for a declaration entitling him to remain in that city. He came originally from Basutoland, but had lived continuously in Johannesburg since 1930, and in 1939 had been granted a certificate exempting him from the operation of the pass laws and from the registration and influx control regulations. He claimed to be a Union citizen.

Mr. Matsoetlane said that a few years previously he had been told that he required a permit to be in Johannesburg. He applied for, and was granted, this permit. But on 20 May 1959 he was instructed to report to the pass office, where an official withdrew the permit and ordered him to leave the Union within seven days. Judgment was reserved.

**Opposition to the “pass laws”**

There is increasing resentment amongst Africans of the constant harassing interference with their freedom of movement that results from the operation of the "pass laws." The fact that the women have now become liable to summary arrest, to possible molestation by young policemen, and to detention in goal while their children are uncared for at home, has caused particular indignation.

The strict application of influx control regulations, especially in the Western Cape, means that many thousands of Africans are...
denied the opportunity of leading normal family lives. Men at work in urban areas are strongly tempted to live adulterously with “city wives,” and then cannot afford to give proper support to their families in the Reserves. Boys and girls who have been left in the care of relatives in rural areas may be prevented, when they leave school, from joining their parents in the towns. Women whose husbands die, divorce or desert them, may be forced to leave an urban area. As the Leader of the Natives’ Representatives in Parliament has frequently pointed out, there is a goodly proportion of the African population that has no legal rights in either town or country.

In terms of labour regulations, Africans are regarded as interchangeable units rather than as human beings with ambitions, interests, and preferences for certain types of work. If a man who has qualified by length of residence to remain, say, in Germiston loses his job, he dare not accept an offer of employment, however attractive, in neighbouring Johannesburg, for he would then lose his right to remain in an urban area. If an illiterate man who cannot read a calendar is a few days late in returning after a holiday, he may be refused permission to re-enter an urban area.

Africans are frequently penalized because they have misunderstood the highly complicated laws, or because they have explained their cases ineffectively as a result of bewilderment, fear or language difficulties. Harassed junior officials, dealing with never-ending queues of applicants for permits, do make mistakes.

All of this has caused the African National Congress to embark upon a crusade against the pass system.

The Black Sash has continued its campaign against “passes for women”. Johannesburg members undertook a six-hour vigil on the City Hall steps during November 1958, displaying posters with slogans such as “For African women and their families reference books will mean insecurity, misery, fear and suffering.” During December the Black Sash asked the Minister of Bantu Administration and Development to receive a deputation to discuss the whole question, but he replied that no good purpose would be served. The June/July 1959 issue of the organization’s magazine was devoted to an examination of the pass system and its effects on African women.

African women are frequently penalized because they have misunderstood the highly complicated laws, or because they have explained their cases ineffectively as a result of bewilderment, fear or language difficulties. Harassed junior officials, dealing with never-ending queues of applicants for permits, do make mistakes.

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The Johannesburg City Council made an unsuccessful attempt during December to obtain an interview with the Prime Minister to discuss the apprehensions felt by women.

The demonstrations arranged in Johannesburg in October 1958 by the Federation of S.A. Women, and the arrests that followed, were described in last year’s Survey. Shortly there-
Lucas applied to the Supreme Court, Pretoria, for an order setting aside his deposition on the ground that he was not given an opportunity of making any statement about the propriety of deposing him, nor of refuting any allegation that might have been made against him.

It was contended for the Minister that the appointment of a chief under the relevant section of the Native Administration Act was revocable at will and that the Governor-General or the Minister had an absolute discretion.

A full bench of two judges dismissed with costs the Minister's exception. "It would seem improbable," the presiding judge said, (23) "that the lawgiver intended that a person relied upon for the maintenance of law and order and the general administration of his area, and endowed with considerable status and privileges for that purpose, should be liable to lose these at the stroke of a pen without being informed of the reasons for this step, or of being given an opportunity of meeting them."

The Minister lodged an appeal to the Appellate Division, which was dismissed with costs on 15 June 1959.

In reply to a question in the Assembly, the Minister of Bantu Administration and Development provided a list of the 34 chiefs or headmen who were deposed, and the three who were deported, during the period 1955-58 inclusive. The Government's reason was given in each case. Twenty-two of these persons had appeared for trial before a judge or magistrate.

A Native against whom an order has been issued is entitled to information regarding the reasons for the order, when added, "A Native against whom an order has been issued is entitled to information regarding the reasons for the order, when a request is made by him for such information."

The removal orders served during 1959 on certain leaders of the African National Congress are mentioned in an earlier chapter of this Survey.

### THE LEGAL STATUS OF AFRICAN WOMEN

A sub-committee set up by the Institute of Race Relations under the chairmanship of Mr. Julius Lewin prepared a preliminary report (24) on the legal status of African women, which was submitted to the Institute's Council at its meeting in January 1959. It was pointed out, in this report, that on many questions that commonly arise it is hard for lawyers, let alone laymen, to understand precisely what a woman's rights are. A brief summary of the report, together with an account of subsequent developments, is given below. Certain information from a Memorandum on the Legal Status of African Women by Professor the Hon. E. H. Brookes has been incorporated.

**Rights of inheritance**

Africans are free to make wills leaving their property as they please (except for any land held under quitrent title and any movable property allotted or accruing to a woman or a 'house' in a customary union). But so strong is the force of custom in this field that only a small number of Africans do make wills. When they do, these are administered by the Master of the Supreme Court in the same way as wills made by non-Africans. (25)

Africans may enter a customary union, or may marry under the common law. A man who is already a partner in a customary union may contract a legal marriage with another woman provided that he has first declared on oath before a magistrate the names of his customary wife or wives and of their children, and the nature and amount of movable property (if any) he has allotted to each customary wife or 'house.'

A marriage between Africans does not produce the legal consequences of marriage in community of property unless, within one month before it is solemnized, the couple make a declaration before a magistrate or marriage officer to the effect that they wish community of property to result from their marriage. Such a declaration may not be made if the man is a partner in a customary union with any other woman. (26)

If a man dies without leaving a will, his estate is administered by the Bantu Affairs Commissioner. Common law is applied if the man was married in community of property. Otherwise, Native law is applied unless, in certain complicated circumstances, this official advises the Minister to instruct that common law should be applied.

Regulations issued under the Native Administration Act in 1929, and amended in 1947, governed the distribution of property in cases where Native law is to apply; but the vital part of these regulations was declared invalid by the North-Eastern Native Appeal Court in 1957 as being beyond the regulation-making powers of the Governor-General. The matter was referred by the Minister to the Appellate Division of the Supreme Court, which

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(24) This list is contained in Assembly Hansard 2, 3 February 1959, col. 324.
(26) R.R. 125/58.
was asked to decide what rules of law should govern the devolution of intestate African estates if the regulations were held to be invalid. At the time of writing, this question had not been decided.

The Native Administration Act provides that if a man has married twice, once by customary union and once under the common law, the widow of the common law marriage and her children will have no greater rights in respect of the estate than has the widow of the customary union.

When Native law is applied in the administration of deceased estates, the widows have no right of inheritance at all. The property passes to the husband's male relatives. According to the tribal custom known as the levirate, the widows become the wives of the dead husband's younger brother, any children they subsequently bear being regarded as those of the dead man. But the levirate custom is not acceptable to-day to urbanized, Westernized, Christian women. Even if this were not enforced, very many women who have lived for long periods, if not all their lives, in a town would be reluctant to plunge back into an alien tribal way of life. As a result, when an urbanized woman becomes widowed, she may be completely stranded, her brother-in-law taking all the property and money that her husband possessed (including all contributions she may have made to the estate), and using these for his benefit, neglecting to provide for her or her children at all.

The Institute's sub-committee recommended that the law should be amended so as to provide that when Africans marry under the common law, the inheritance of their property should follow the same rules as apply to non-Africans. But even this would not cover cases in which men have entered a customary union and have also married. It might be necessary to provide that all legitimate children left by the deceased should share equally in their father's (or mother's) estate.

Custody of children

In European society the guardianship of (or legal responsibility for) children has come to be distinguished from their custody. In terms of the Matrimonial Affairs Act of 1953, when parents are divorced or separated or are merely living apart, the Supreme Court may grant sole guardianship and custody of the children to either the father or to the mother, or may award custody to the mother and guardianship to the father. The court is guided solely by what it considers to be the best interests of the children. In the case of an illegitimate child, the mother always has guardianship as well as custody.

The Children's Act of 1937 empowers a special court to deprive a parent of the custody of a child if the parent is considered to be unfit to exercise proper control or to give proper care.

In legal theory, even if too seldom in administrative practice, both these laws apply also to Africans. In their case the custody of children is decided upon by the Bantu Affairs Commissioner who possesses discretionary power to decide whether or not to apply Native custom when deciding civil cases between Africans. If Native custom is applied, the husband may challenge a decision to award the custody of his minor daughters to his wife, which normally would be in their best interests, in order to make it clear that they "belong" to him and that he will be entitled to claim the lobolo in due course, or to transfer the right to receive this lobolo to another man as security for a debt.

The Institute's sub-committee recommended, inter alia, that the law should specifically provide that, notwithstanding any Native custom to the contrary, the guardianship and/or custody of an African child shall be awarded by the courts only in accordance with the common law, but without prejudice to rights to lobolo under Native law.

Maintenance of children

In cases of seduction, African women and their own fathers or other legal guardians often prefer to claim a lump sum as damages, although in fact they would be better off if they received a regular payment under a maintenance order made by a court. This preference is due in part to the known difficulty of securing the regular enforcement of maintenance orders made against an absconding man—whether he has seduced a woman or has deserted his wife.

Even where most of the preliminary work of investigation into cases is done by a child welfare society, the co-operation of the police is necessary in order to obtain and enforce a maintenance order; and the police have many other duties to perform.

As a result African women frequently have to support their children without financial assistance from the children's father.

Difficulties experienced by women as minors

In terms of tribal law in most parts of South Africa, women were perpetual minors, always under the guardianship of a man.

To-day in the Union (outside Natal) an unmarried African woman of the age of 21 years and over or a widow is legally a major. Nevertheless, old customs tend to persist and women are often not aware of their rights under the common law.
Under the Natal Code, a woman remains a perpetual minor unless she has been "exempted" or "emancipated." Until 1934, African women as well as men could apply to the Governor-General for "letters of exemption," which exempted holders from "such laws, specially affecting Natives, or so much of such laws, as may be specified in such letter."

No further such exemptions are being granted. But unmarried or divorced women or widows in Natal who are deemed by the Bantu Affairs Commissioner to be fit to be emancipated by virtue of their good character, standard of education or other abilities may be granted certain rights by order of the Bantu Affairs Commissioner's court. A woman may, for example, be freed from the control of a male guardian, or vested with rights of ownership of property she has acquired, or granted custody of her minor children. Emancipation is readily granted and the procedure is simple, but the possibility of obtaining these rights is not widely known among African women in Natal.

Unless a woman in that province has been emancipated, she may not marry without the consent of her guardian even if she is over the age of 21. Difficulties often arise in practice in obtaining the guardian's consent—his whereabouts may not be known or he may delay indefinitely. In such cases the woman may, through an attorney, petition the Governor-General, who may authorise the Bantu Affairs Commissioner to issue a licence; but this procedure is complicated.

In Natal, even if a woman who has not been emancipated inherits under her husband's will, she cannot become the full owner of the inheritance, which is controlled by her guardian.

A White woman can retain control over her own property if she and her husband have entered into an ante-nuptial contract which specifically excludes marital powers. Unless this is done the marriage is in community of property, the joint estate being administered by the husband. The wife is then in the position of a minor. However, the Matrimonial Affairs Act of 1953 gave such women a certain degree of independence, in that no husband may now dispose of immovable property belonging to his wife without her written consent, nor may he take possession of any remuneration due to her, or withdraw any moneys in a savings institution standing in her name. Any married woman may now without her husband's assistance become a depositor in a savings institution. Should her husband desert her, she may obtain an order of court declaring any property subsequently acquired by her to be free of her husband's control.

As is mentioned above, a marriage of Africans by Christian or civil rites does not produce the legal consequences of marriage in community of property unless they have entered into such a contract prior to the marriage. If they have not done so, the position of the wife is not clearly defined. The Matrimonial Affairs Act presumably applies to African as well as to White women, but does not specifically state that a wife in a customary union is in the same position as a wife in a marriage. The Institute's sub-committee considered that this possible loophole ought to be closed.

Because of the system of migrant labour and the influx of control regulations, African couples are frequently separated for long periods, the children being left with the mother. Many difficulties can arise when decisions have to be taken for which the husband's consent is required. In terms of Proclamation 215 of 1943, Bantu Affairs Commissioners were empowered to give consent in place of the husband when medical practitioners certify that operations must be performed upon children. The Bantu Affairs Commissioner for Johannesburg recently reminded superintendents of hospitals of the existence of this provision of the law.

An important decision was given in the Rand Supreme Court during August 1959(7) when a judge held that an African woman, married according to Native custom, is entitled to sue for damages arising from the death of her husband in a motor accident.

The right to be a municipal tenant

Practice varies in different towns but, in general, women do not have an equal right with men to become registered tenants of municipal houses. When a man dies, his widow is often in danger of being turned out of the house they occupied.

Single women are not accepted as tenants of houses (nor are single men). The result is what might be expected: men and women are tempted, in their quest for a house to live in, to swear that they are partners in a customary union, when in fact their alliance may be a matter of temporary convenience. In any case, even when couples have genuinely fulfilled the requirements of such a union, it may be difficult for them to prove this by producing the testimony of the person to whom lobolo was paid.

The sub-committee recommended the registration of all customary unions throughout the country (they are registered in Natal), and said that in its opinion there should be no discrimination against women solely on the ground of sex in the allocation of houses.

Political rights

In the election of advisory boards in urban municipal townships, those women who are registered tenants vote and they can also stand as candidates. Apart from this, the franchise is denied to African women.

The Council's findings

The findings of the Council of the Institute of Race Relations were:

"The time has come to review the effects of recognizing African custom as a source of law. After thirty years' experience of the working of the special courts for African litigants, it is clear that the status of African women is a subject that urgently requires further study and elucidation."

"In view, however, of the complexity of the issues involved, the Council recommends to the Executive that study groups be set up wherever possible to continue the work begun in Johannesburg. Provincial differences in laws alone require this.

"The right of all adult Africans to make a will ought to be made known in the hope that it will be more frequently exercised, and lead to the better protection of the interests of widows."

The Institute wrote to other suitable organizations, both White and African, suggesting that they, too, should study this whole question.

Resolution of the National Council of Women

The National Council of Women of South Africa subsequently considered whether they should press for the application of the principles of common law instead of tribal law to African women not resident in the Reserves. This matter is to be further discussed at a conference in 1960.

AMOUNTS SPENT ON BEHALF OF AFRICANS AND AMOUNTS CONTRIBUTED BY THEM

State expenditure on behalf of Africans

It is calculated by the Controller and Auditor-General(28) that during the year 1957-58, the State spent £26,832,821 on behalf of Africans. It should be noted that expenditure under the head of "general administration" includes registration fees and contributions to the Services and Transport Levies that were paid by the various Departments of State as employers of African labour. Advances and loans from Loan Funds and the National Housing Fund are not included.

Amounts contributed by Africans

Each year, the State publishes detailed estimates of the amounts it spends on behalf of Africans; but one has to search through numerous blue-books to find out what sums Africans contribute; and full information on this point is unobtainable.

RELATIONS: 1958-59
During 1957-58, Africans paid the following direct taxes:

<table>
<thead>
<tr>
<th>Tax Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income and provincial tax</td>
<td>£20,000</td>
</tr>
<tr>
<td>General tax: Four-fifths paid to Bantu Education Account</td>
<td>£1,971,383</td>
</tr>
<tr>
<td>One-fifth paid to the Native Trust</td>
<td>£492,844</td>
</tr>
<tr>
<td>Local tax, quitrent, squatters' rent and dog tax</td>
<td>£359,595</td>
</tr>
<tr>
<td>General levy in the Transkei</td>
<td>£117,619</td>
</tr>
<tr>
<td>Tribal levies</td>
<td>£161,375</td>
</tr>
</tbody>
</table>

The total is £3,102,816, or perhaps about £3,117,000 if income and provincial taxes are included.

The Natives Taxation and Development Act of 1958, in terms of which the rates of the general tax were increased, was described in the previous issue of this Survey. Mainly as a result of this measure, the amount which accrues to the Bantu Education Account (four-fifths of the general tax paid) is likely to increase from £1,971,383 in 1957-58 to £3,044,000 in 1959-60. The revenue from the general tax will rise still further in subsequent years, when the provisions of this Act relating to the taxation of women and to the payment of larger amounts by men earning over £180 a year come into force.

Africans pay other large amounts which are not included above, for example, an education tax of up to 2s. per family per month in urban areas; contributions towards the capital costs of urban higher primary and post-primary schools; a hospital levy in the Free State and certain parts of Natal; stock-rates, ploughing, dipping, grazing and other fees; and sums paid in addition to the rents in urban areas which almost completely cover the costs of administration and of the health, welfare and recreation services provided by the local authorities.

RELATIONS: 1958-59

African parents (unlike those of other racial groups) are required to pay for their children's writing materials and for most of the books they use in primary schools. Africans pay very large amounts annually in fines for offences against laws and regulations which do not apply to members of other groups. Their contributions to indirect taxation, imposed by means of import duties, excise, licences, stamp duty, etc., have not been assessed in recent years, but must be well over double what they pay in direct taxation. Tribesmen in many areas supply free labour for the construction of soil conservation and developmental works. And it must not be forgotten that African labour makes it possible for the mines, factories, commercial concerns, farmers and others to show the profits on which they pay high taxes.

As at 31 March 1958, there were 194 compulsory and 735 voluntary tribal levies in force, as compared with 160 and 681 respectively a year previously. During the year 1958-59, 44 new compulsory tribal levies, averaging 13s. 6d. per taxpayer per year, were introduced in the Reserves, the proceeds to be used for the erection of school buildings, soil conservation works, fencing, clinics, offices, wages, etc., and, in one case, for a house for the chief. Revised stock rates were introduced in the Transkei in June 1959, in terms of Government Notice No. 971.

African purchasing power

The Minister of Bantu Administration and Development recently said that according to a very conservative estimate, African purchasing power amounts to £365-million annually.

This would work out at £37.4 per head per year.

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(20) According to the Minister of Native Affairs (Senate, 4 June 1957, Hansard 15 col. 4805). Africans paid £13.588 in income tax in 1956-57. The amount they paid in provincial tax is not known.
(22) This and the items that follow obtained from Report of the Controller and Auditor-General, 1957-58, Part III, U.G. 52/58, pages 771, 781, etc.
(23) Estimates of Expenditure to be Defrayed from the Bantu Education Account, U.G. 9/59.
(26) Information from issues of the Government Gazette, 1 October 1958 to 30 September 1959.
(27) Senate, 6 February 1959, Hansard 2 col. 484.
Unrest and Rioting Among Africans

DEMONSTRATIONS IN JOHANNESBURG AGAINST REFERENCE BOOKS FOR WOMEN

Mention was made in the previous issue of this Survey* of the demonstrations against reference books for African women that took place in Johannesburg between 21 and 28 October 1958, of the fact that more than 2,000 arrests were made, and of the sentences that were passed on some of those who were found guilty of various offences.

In all, some 750 African women were discharged, while approximately 1,300 were convicted in the Magistrate's courts. Severe sentences, of £50 or three months' imprisonment, were passed on about twelve women who were convicted of assault, or of arranging illegal processions as a protest against the law. The rest of the women received sentences averaging about £5 or 30 days' imprisonment on being found guilty of causing an obstruction and failing to disperse when ordered to do so, or of participating in an unauthorized public procession, or of contravening traffic by-laws.

During April 1959, 442 women lodged a successful appeal in the Supreme Court, Pretoria. It transpired that the warning to disperse the gathering in which they had taken part had been given in English and Sotho only. The Judge was of the opinion that this warning could not be said to have been intelligible to all the women, nor to have been heard by those in the rear of the procession.

The African National Congress presented "certificates of merit" to all those who had participated in the demonstrations.

DISPERSAL OF A MEETING IN LADY SELBORNE, PRETORIA

On 26 February 1959 a meeting of African women was held in a community hall at Lady Selborne to discuss the question of reference books. A deputation was sent to the Bantu Affairs Commissioner to obtain information on various points. During their absence more and more women arrived, until about 2,000 were present, those who could not gain entry into the hall assembling in the street outside. Dr. Peter Tsele addressed the meeting, and there was some singing and shouting.

The six who had been arrested at the meeting appeared before a Pretoria magistrate on 15 May, on a charge of holding or convening a public meeting in a public place without the written permission of the Town Clerk. The magistrate acquitted them, pointing out that while they might have addressed the meeting, there was no evidence that they had organized it.

RELATIONS: 1958-59

Just as the deputation returned, about 60 members of the police arrived on the scene. They were jeered, and stones were flung at them, shattering the windows of two vehicles. The police surrounded the hall, forced their way in, and, without giving any order to disperse, began hitting the women with their batons. The Minister of Justice claimed later* that because the police were being booted and pelting with stones, no warning to disperse could be given before the baton charge was made.

Panic-stricken, screaming women dropped their possessions, overturned the benches, and tried to dodge the batons by escaping through the windows and a barbed wire fence outside. Numbers of them had babies on their backs: at least four babies were injured; in three cases when their mothers dropped them in the rush, or tripped and fell. The police fired revolver shots in the air, and at least one African fired back.

Fourteen women were treated in hospital afterwards. The Minister of Justice admitted* that some of them might have been injured by baton blows, but said that the rest were hurt when they fell and were trampled upon in the panic. Two police constables were slightly injured, by splinters of glass from a broken window in one case and by a stone in the other. Six people were arrested, among them Dr. Tsele, who was semi-conscious after being hit and kicked by the police.

The police later gathered up the women's scattered possessions and took them to an Anglican Church mission nearby, where they could be reclaimed.

Very early in the morning of 27 February the police raided Lady Selborne township, knocking up the sleeping residents. They were searching for firearms, they said, and looking for Africans who were suspected of having committed various crimes. They arrested 327 people, of whom 312 were charged, 3 with theft, 2 with possession of dangerous weapons, 21 with liquor law offences, and 286 with offences under the Natives (Urban Areas) Act.*

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(1) Senate, 13 March 1959, Hansard 3 col. 680.
(2) Minister of Justice, Assembly, 3 March, Hansard 6 cols. 1800-2.
(4) Senate, 13 March, Hansard 3 col. 680, and Assembly, 6 March, Hansard 6 cols. 2039-40.
(7) Information given by Minister of Justice, Assembly, 6 March, Hansard 6 cols. 2039-40.
A SURVEY OF RACE

Three members of the staff of the Anglican Church mission at Lady Selborne urged the appointment of a judicial commission to enquire into the behaviour of the police at the meeting, this request being supported by the Transvaal Division of the Liberal Party and the African National Congress. The Minister of Justice refused to appoint a judicial commission, but said later that an enquiry had been instituted. The findings are described in the chapter headed "Justice" in this Survey.

Dr. Tsele laid a charge against Police Sergeant N. J. J. Arlow of assault with intent to do grievous bodily harm. In evidence given before the Chief Magistrate of Pretoria on 25 August he said that Sergeant Arlow had hit him with a baton and kicked him until he was unable to rise from the floor without assistance. He had then been dragged up and handcuffed to two men. Sergeant Arlow was acquitted. The Magistrate found that Dr. Tsele had been assaulted by the police and that Sergeant Arlow had played a part in this assault. The point at issue, however, was whether or not the police action was legal, and this depended on the legality of the meeting. He could not say how the police were supposed to act in the circumstances that had prevailed.

On the same day, 29 summonses were served on the Minister of Justice for claims totalling £19,325 for damages arising from injuries sustained and indignities suffered as a result of assaults committed by members of the police. At the time of writing this action had not yet been heard.

DEMONSTRATIONS NEAR PORT ELIZABETH AGAINST REFERENCE BOOKS

On 27 February 1959 a team of officials visited Vecplaats, near Port Elizabeth, to issue reference books to the African women there. About 250 women gathered near the officials, but, instead of lining up to receive the books, began singing, dancing and shouting. The police were summoned, and after warning the women there. About 250 women gathered near the officials, but, instead of lining up to receive the books, began singing, dancing and shouting. The police were summoned, and after warning the women to disperse, made a baton charge. Two cars were slightly damaged when stones were flung by the Africans.

SEQUELS TO THE RIOTING IN THE ZEERUST AREA

The rioting that occurred between April and December of 1957 in the Zeerust area in the Western Transvaal, when sections of the Ba-Hurutshe tribe were opposing the issuing of reference books to women, was described in the previous number of this Survey, as also were the first of the trials of those who were arrested.

The trials continued during the year now under review. Five people appeared before the circuit court at Rustenburg on a charge of murder, all being acquitted. Fifty-eight were found guilty of public violence, arson or extortion, while about 51 were acquitted or were released when the charges against them were withdrawn. Members of the tribe who live in Johannesburg raised a defence fund, but the sum was inadequate to enable all the cases to be defended.

It was mentioned in last year's Survey that large numbers of Africans, including many women and children, fled from the Zeerust area during the disturbances, many of them crossing the border into the Bechuanaland Protectorate. The Bechuanaland authorities estimate that about 500 people originally sought refuge in the Protectorate, and that approximately 370 of them are still there, 113 in Lobatsi, and the rest scattered in other towns and villages.

These people had left their cattle behind, and were destitute. The Bechuanaland authorities allowed them to settle on a rent-free basis in the African villages in Lobatsi and Ramoutsa, and, as a relief measure, provided temporary work for many of the men in road construction. A few have found more permanent employment, some earn a precarious living gathering firewood for sale, but numbers of them have no means of livelihood.

The Union Government has stated that if these people wish to return they must apologise and pay homage to their chiefs, and must obtain permits from the Bantu Affairs Commissioner to re-enter the Reserve. Those of them who violated tribal law by holding meetings without permission, or who participated in violence, must face prosecution in the chief's court.

The maximum sentence that a chief is legally entitled to impose is £20 or two head of cattle. Two at least of the chiefs in the area did impose this maximum sentence in numbers of cases they tried soon after the riots. It has been alleged that the chiefs have illegally seized cattle belonging to people who have fled. The tribesmen who are still in Bechuanaland are afraid that if they return their chiefs will take petty, vindictive action against them.

It would appear that there is some ground for these fears. At the official ceremony marking the establishment of the Ba-Hurutshe Regional Authority on 7 August 1959, the Minister of Bantu Administration and Development urged that after those
who had transgressed the law had been punished, they should be forgiven completely and accepted back in their previous positions in the tribe.

Those who are in Lobatsi, and possibly others too, have been informed of their right to make a domestic complaint, or a formal appeal, to the Bantu Affairs Commissioner if they feel that the chief has been unfair, or has exceeded his authority, and to lodge a civil claim should they find, on return, that their property has been wrongfully seized or stolen. But they are still distrustful. They are afraid that there may be intimidation or reprisals by the chiefs if they should complain to the Bantu Affairs Commissioner, and they fear that delays may occur in the handling of any such complaints.

**SEQUELS TO THE RIOTING IN SEKHUKHUNELAND**

A description was given in last year's *Survey* of the rioting that occurred in Sekhukhuneland during May 1958 after large sections of the Ba-Pedi tribe had opposed the Bantu authorities system and after their acting chief, Moroamoche, and some of his leading councillors had been banished.

Immediately after the rioting, 210 Africans were arrested, while another 128 arrests were made later in the year. A mobile police force patrolled the Reserve until well on into 1959: it was then withdrawn; but the area is still in a state of unrest, and the majority of the people continue to be opposed to the Bantu authorities system. The Ba-Pedi tribal authority, which was disestablished after the commencement of the unrest, has not been re-constituted.

The man who was appointed by the Government to act as chief failed to gain the people's confidence, and was relieved of his appointment. During October 1958 Moroamoche and four councillors who had been deported were allowed to return on temporary permit.

Two of the Africans who were arrested died during the course of the trials. Of the rest, 37 appeared before the Supreme Court, Pretoria, on charges of murder. Thirty-four of them were acquitted, three were found guilty of murder with extenuating circumstances and were given life sentences, and 21 were sentenced to death. The death sentences of 20 of these people were, however, set aside in the Appeal Court: one case, involving 16 Africans, was referred back to the trial court for further evidence. At the conclusion of the re-opened trial these 16 people were once more sentenced to death. Leave to appeal was again granted. This time, the Appeal Court set aside the convictions and sentences in two cases, but dismissed the remainder of the appeals.

Forty-four people were tried in the Supreme Court, Pretoria, on charges of public violence. Thirty-four of them were acquitted and the remaining ten were found guilty of public violence or common assault or arson. Their sentences ranged from six months' imprisonment suspended for two years to ten years' imprisonment.

Those who were charged with lesser offences such as violence, assault, undermining authority, holding unauthorized gatherings, entering the Reserve illegally, possessing dangerous weapons, etc. were tried in the magistrate's court in Lydenburg. By May 1959, 162 of them had been tried, about 104 being acquitted and about 58 convicted of various offences. A further 64 men and women appeared before the court during July 1959, and all were acquitted, the magistrate being of the opinion that he could not accept the evidence of the Crown witnesses.

At the time of writing, a public violence trial involving 25 accused, three individual cases of assault and one of murder had still to be heard.

Although numbers of the accused were acquitted, some of the men had been in police custody for as long as 14 months before their cases were heard. The money raised was sufficient only to enable the women to be released on bail.

**THE MAMATHOLA TRIBE**

An account was given in last year's *Survey* of the protracted resistance by the Mamathola tribe to the Government's plan to move them from the eroded Wolkeberg mountain slopes in the Letaba district of the Northern Transvaal to the farm Metz, about thirty miles to the east, in the hot low-veld. The despatch of the chief, the Parliamentary debate on this matter, and the removal that finally took place in March 1958, were described last year. Only about 250 of some 400 families who had lived at Wolkeberg took part in this move; the rest dispersed to other parts of the country, and the chieftainess-apparent and her daughter went into hiding.

Residential, arable and grazing sites had been laid out at Metz, parts of the land were irrigated, and a school, post office and clinic had been built. Tents were made available on loan pending the erection of new huts.

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(12) Page 72.

(13) Page 140.
Forty-four families under Headman Moses Rakoma have settled down in their new homes and are cultivating their plots. But the rest of the tribe, numbering 202 families and led by Headman Solomon Letsoalo, continues to be bitterly resentful. They dislike the hotter climate at Metz; there has been a considerable amount of illness, and, it is stated, 41 deaths among them. They have completely lost heart, and pine for their old mountain home and their orange groves. They have refused to build proper huts or to cultivate the soil, have been living on the compensation money they received, and are likely to be destitute when this becomes exhausted. When the tents were recently taken away for a time they just left their possessions scattered over the veld.

ENTRY INTO AND DEPARTURE FROM CERTAIN AFRICAN AREAS

The terms of Proclamation No. 52 of 1958 were set out in last year's Survey. Briefly, if Part I of this Proclamation is applied to any African area, no one who is not a resident may enter without a permit from the Bantu Affairs Commissioner. It becomes an offence to fail to report the unlawful presence of any African, or to make a verbal or written statement likely to interfere with the authority of the State or a chief, or to threaten anyone on account of his loyalty to the State or any of its officials or any chief or headman.

If Part II of the Proclamation is applied to any area, it becomes an offence to leave the area without a permit from the Bantu Affairs Commissioner.

An amending Proclamation, No. 138 of 1959, was issued during the year under review. This states that the original measure shall not be applied to any area for a period in excess of six months, but that the Minister may extend its application for a further six months.

Government Notice No. 1055 of 10 July 1959 re-applied Part I of the 1958 proclamation to the Reserves in the Marico (Zeerust) area, to those in Sekhukhuneland, and to the Wolkeberg area where the Mamathola tribe originally lived, and made it applicable also to two farms in the Nebo area (adjoining Sekhukhuneland) and to the Reserves in the Peddie area of the Eastern Cape.

RIOT AT VIRGINIA

On 8 January 1959, more than 200 African mineworkers were charged with public violence following a riot in the Virginia Gold Mine compound. It is reported that, armed with sticks and steel pipes, they cornered the compound manager and his staff in his office and pelted them with stones, smashed furniture and windows, damaged cars belonging to mine officials, and ruined stocks of food. Damage estimated at more than £2,000 was done. The police tried for some hours to restore order, finally succeeding after two baton charges had been made. Eighteen Africans were injured during the riot.

DISTURBANCE AT KROONSTAD

A disturbance occurred in the African township of Kroonstad during April 1959. A crowd of Africans turned on the municipal officials and then the police, pelting them with stones and also using firearms. The police were forced to return the fire, wounding two men.

UNREST AT MABIESKRAAL

In 1956 the Government banished Jeremiah Mabie, who was chief of the Ba-Thlako tribe living at Mabieskraal, to the north of Rustenburg in the Transvaal. A new acting chief named Mokgatle...
Mabie, appointed by the Government, has never succeeded in gaining the allegiance of all the tribesmen.

During September 1959 Mokgatle went to the installation of the new chief of the Ba-Phokeng tribe near Rustenburg. It is reported\(^{(1)}\) that about 60 other members of his tribe also went, independently of him, and claimed to represent the Ba-Thlako.

Incensed, Mokgatle summoned Majapane Malopo, one of the leaders of the dissidents, to appear before the Kgolla on a charge of insubordination. Majapane came, but a group of about twenty young men and women broke up the meeting and took him away.

A fine of one beast was imposed on him for "contempt of court," and a body of tribal policemen was sent to collect the fine. They were attacked with sticks and stones, at least eleven people being injured in the fray, some of them seriously. The South African Police were called and made 62 arrests.

Three days later, Mokgatle again sent his men to collect the fine. They killed a beast with a shotgun. In the renewed fight that occurred four people, including a child, were wounded by pellets.

Three tribesmen who are leading supporters of the deposed chief were subsequently given fourteen days within which to show reason why they should not be deported.

**THE DURBAN RIOTS**

For some weeks prior to the Cato Manor riots, and after an outbreak of typhoid, Municipal authorities in Durban had been conducting a "cleaning-up" campaign in the area, during which a large quantity of illicit liquor had been found and destroyed.

On the afternoon of Wednesday, 17 June 1959, a demonstration was staged at the Cato Manor Beer Hall by a group of African women who destroyed beer and drinking utensils. The women were dispersed by the police and the beer hall was closed. The police remained on guard throughout the night.

On the following day, Thursday 18th, groups of African women staged similar demonstrations at beer halls situated elsewhere in the City, including Dalton Road and Victoria Street. African men present at the beer halls were attacked and warned that they were not to drink Corporation beer.

At 2.30 p.m. on the 18th, Mr. Bourquin, Director of the Bantu Administration Department, met a group of about 2,000 women at the Cato Manor Beer Hall.\(^{(1)}\) Police had been in attendance throughout the morning, and Mr. Bourquin was accompanied by members of the police. Spokesmen for the women expressed some of their grievances, and Mr. Bourquin addressed the assembled crowd. At the conclusion of the meeting, the police warned the women to disperse. When they failed to do so, a police baton charge took place. Scenes of general disorder and rioting followed, during which a number of shots were fired. The African women were joined by men, some of whom had returned from the city by bus.

At approximately 5.30 p.m., rioting crowds commenced to destroy Municipal vehicles and buildings at Cato Manor. Corporation buildings at Chesterville, an adjoining Location, were later burnt down or damaged, and also a number of buildings housing welfare, health and community services.

Mr. Bourquin has since estimated damage to buildings at the sum of over £100,000, which included "the Bantu Administration offices, shops, storerooms and huts, the Chesterville Community Centre, a Municipal shop block in Lyttleton Road and the Corporation's Recreation Hall". The Minister for Justice, in a statement in the House of Assembly, said that 25 buildings had been burnt out, and 7 damaged.\(^{(1)}\)

Corporation officials who had been present at the Cato Manor office at the outbreak of the rioting were escorted from the area by police. Members of the police force maintained a watch at the Beer Hall throughout the night. An attempt was made to prevent the destruction of the Cato Manor office. Thereafter, it would appear that no further police action was taken to attempt to prevent the burning and looting of property within the area. A fire engine was prevented by Africans from entering the area.

Reliable African observers have reported that the crowds who participated in the burning and looting of buildings included groups of teen-age youngsters of both sexes and a "strong hooligan element". It has also been suggested that the reason for the destruction of premises of voluntary welfare organisations may have been the fact that they were connected in the minds of the African public with "white officialdom".

At approximately 10.30 p.m., a police picket at the Beer Hall was attacked by Africans who were driven off by Sten-guns. Three Africans were killed.

No official casualty list has been issued, but a Press report on the 19th June stated that three Africans had been killed and 14 Africans admitted to hospital with injuries, mainly bullet wounds. One European policeman was injured by a bullet.\(^{(1)}\) The casualty list for the Durban Riots in 1954 comprised 142 deaths and 1,087 injured persons.\(^{(1)}\)

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\(^{(1)}\) Assembly, 19 June 1959, Hansard 20 Col. 8546.
\(^{(1)}\) Daily News, 19 June 1959.
\(^{(1)}\) Report of Enquiry into Riots in Durban, U.G. 36/49.
African unrest continued on the following day in the form of various demonstrations and arrests throughout the City. A group of women in Greenwood Park were disarmed by the Police, and the Umgeni Beer Hall was placed under police protection. Women demonstrated outside a Beer Hall in the Mobeni industrial area. Later in the day, women demonstrators at a Beer Hall at Rossburgh were arrested by the police.

Sporadic demonstrations and manifestations of African unrest continued for several weeks, in areas throughout the City, and a number of arrests were made by the police.

Ex-Chief Luthuli, President General of the African National Congress, issued a press statement appealing for peace at Cato Manor and for a return to normality as soon as possible. He stated that the grievances of the people should be formulated and submitted to the authorities. He promised that the African National Congress would do all it could to find a solution to the complaints.

The Paramount Chief of the Zulus also appealed to his people to remain calm and not to act irresponsibly. He urged that grievances should be lodged with the authorities through the proper channels.

Beer halls were temporarily closed by the Municipality because of the lack of support. Municipal bus services to various African areas were withdrawn after repeated attacks on vehicles.

City Council services to Cato Manor, including public health, sewerage and water were suspended for seven weeks after the riots, because it was feared that the safety of Municipal employees might be endangered.

At the beginning of July, the City Council and police decided to intensify action against illegal liquor brewing in Cato Manor. A press report stated that by 9th July, nearly 86,000 gallons of shimiyane had been destroyed, and 55 persons had been arrested on liquor charges.

Background to the riots in Durban

As no public enquiry has been held, no definite authoritative findings exist on the causes of the riots. It is, however, clear that these are manifold and inter-related. Various opinions have been expressed in the press and elsewhere, but in the absence of evidence properly weighed, it is impossible to do more than sketch the socio-economic background to Cato Manor and to list some of the many grievances that have been mentioned.

the riots), when the Board's dissatisfaction was expressed concerning aspects of the removal scheme.

The very dense shack settlement of Africans in the Cato Manor area developed largely as a result of the increasing tempo of industrialization during and after the war years. Industry was expanding rapidly at a time when building operations had come to a standstill. Sanitary services were non-existent and conditions generally were appalling. In the early 1950's action was taken by the Municipality and a section of Cato Manor was proclaimed as an Emergency Camp as a temporary measure to alleviate some of the worst slum conditions. Basic services were provided in the form of sanitation, water, communal ablution blocks, roads, etc., erection of new shacks was controlled and regulations were promulgated regarding the administration of the Camp.

However, all improvements and developments were on a temporary basis because Government policy had determined that the area should be proclaimed for future White occupation under the Group Areas Act, and that the existing African population should be removed as soon as possible.

During the pre-war years, the Municipality had been faced with a huge African housing problem.

In 1950, the Natal Housing Board, in co-operation with the Government Native Affairs Department and the Municipality, undertook to build six villages, each to contain about 430 dwellings, in the Umlazi Mission Reserve to the south of the city. When two of these villages had been completed, the then Minister of Native Affairs directed that the scheme should be discontinued for the reason that it was wrong in principle for the Government to build a township in tribal territory to serve the Durban municipal area.

After a long period of negotiations and delays, the Minister persuaded the Municipality to undertake a housing scheme at Duffs Road, about 12 miles north of the city. Further long delays took place before the land was acquired and the new township of Kwa Mashu planned, so it was not until 1958 that the first families moved in.

Meanwhile, building in existing locations could only take place on a limited scale, and Africans who could not obtain municipal houses had to find other accommodation as best they might.

Until recently no removals could take place from Cato Manor because of the lack of alternative housing. In February 1959, only about 45,800 (or less than one-quarter) of the 200,000 Africans estimated to be in Durban were living in Municipal houses or hostels. The Corporation estimated that 10,362 families of 40,723 persons were then living in 4,419 shacks in the emergency camp of Cato Manor, whilst 5,045 families of about 21,000 persons were occupying 1,750 dwellings in neighbouring areas of Cato Manor.

The scene in the shack areas of Cato Manor is one of sordid and over-crowded living, extreme poverty and frequent ill-health caused by malnutrition and unhygienic conditions.

The Corporation, since the new Kwa Mashu housing scheme was started, has been attempting to clear those shack settlements outside the Emergency Camp and to move as many people as possible to the new Township. It is, of course, the intention that the entire area will eventually be cleared.

The one very great difficulty is the fact that rentals at Kwa Mashu are not subsidised by the Government because of its present policy of providing only economic loans for housing. Rents vary between £3 3s. 0d. and £3 5s. 0d. per month, and are thus beyond the resources of the great majority of Cato Manor residents. A survey of 500 families in Cato Manor in 1956 showed that 61 per cent earned less than £10 per month. Families moving to Kwa Mashu have an added burden in the form of increased transport costs, and women find it more difficult to undertake part-time domestic work and laundering in order to supplement income.

Considerable numbers of shacks are owned by women, who derive their livelihood by letting rooms. They may supplement this income by part-time work, or by illicit trading or brewing. To these women, shack clearance means economic ruin, even if they are permitted to remain in the urban area.

Until the housing back-log is overcome, a man does not qualify for family housing unless his wife arrived in Durban before 1956.

Only persons and families who qualify under Section ten of the Natives (Urban Areas) Act are granted alternative accommodation of any type. Many Africans have settled in Cato Manor who do not qualify to remain in terms of Section ten. Wives have come from the country to join their husbands, and widowed parents have come to live with sons and daughters. Urban women who have lost their legal right to remain when becoming widowed, divorced or deserted have stayed in the urban area, often with a number of children.

Many households at present living in Cato Manor shacks include fathers and mothers, uncles and aunts, and various other relatives who are not in registered employment and thus not entitled to remain in the urban area. Men who have lost their employment and failed to find other work have sought shelter with relatives in the shack areas rather than leave the city, as
required by the law. Many Africans have lived in the towns for very long periods, and have thus lost all ties with the reserves and rural areas.

The Director of the Durban Bantu Administration Department stated in a public address to the Institute of Race Relations in Durban on 15 September 1959. "A Municipal Department of Bantu Administration can be concerned only with the provision of housing for those Bantu who make up the City's labour requirements and who are required to provide essential services to their compatriots within the urban area. Any Bantu who are surplus to these requirements are not the responsibility of the City Council. They are not wanted, and must leave or be removed from the urban area."

Dissatisfaction on the part of African women regarding the shack clearances at Cato Manor was manifested in February 1959, when a large group of women and children squatted outside the offices of the Bantu Administration Department for several days. A meeting between the Mayor and representatives of the women took place on 27 February, during which policy and procedures of shack clearance were discussed.

At the end of February, and because of mounting African tension resulting from shack clearances, the Institute of Race Relations in Natal initiated a voluntary Committee consisting of representatives of the Institute, Bantu Child Welfare Society, the Chesterville Child Care Association, and a number of individuals. During March, the Committee made a careful study of the shack clearance scheme and its resultant problems and hardships. Numbers of family case histories were examined, and a detailed memorandum submitted to the City Council. A few concessions by the Council were later made, for example that couples with children who had lived for some years as man and wife should qualify for family housing, even if they were not legally married.

Shortly after the riots the Institute arranged for a panel of experts to write a series of short press articles on the socio-economic background to Cato Manor. Copies are available from the Durban office. (15)

Action taken and events after the riots in Durban

The Minister of Justice was asked in Parliament whether he intended to appoint a judicial commission to inquire into the cause of the riots, and if not, why not. He replied that a judicial commission was unnecessary in view of the fact that the Durban Corporation was taking steps to institute an enquiry. (11)

Immediately after the Cato Manor rioting Mr. Bourquin had announced that there would be a departmental inquiry, and that he would also welcome a full judicial enquiry. (15) On 16 July, the Mayor of Durban announced his support of an independent judicial inquiry into the causes of the disturbances, and also of a full investigation into African grievances, once law and order had been restored. (11) On the same date, the Bantu Administration Committee stated that it was sympathetic to the view that independent investigations, perhaps by a judicial commission, should be made. It deferred a final decision until more normal conditions had been restored. (11) Representations to the Municipality had previously been made by the Natal Region of the Institute of Race Relations urging that if the Government still declined to appoint a judicial commission, the Council should institute an independent, rather than a departmental enquiry. The Director of the Institute wrote to the Ministers of Justice and Bantu Administration and Development again urging a judicial commission. Similar representations were made by other bodies and individuals, and editorials in the Daily News and Ilanga Lase emphasized the importance of independent investigations. The latter paper stated that "unless this step is taken we are heading for more and even more devastating riots in the immediate future." (14)

It is of very great regret to the Institute that the Government has not heeded these requests. Furthermore, at the time of writing no public enquiry had been conducted by the Durban Corporation.

As previously stated, the Director of the Bantu Administration Department said in a letter to the Town Clerk that the main cause of the riots was in his opinion economic. He appealed to the City Council and other employers to make an immediate and urgent increase in African wages. On 20 July, the City Council decided to raise the wage rates of unskilled labourers by £1 12s. 6d. per month, pending the decision of the Wage Board which was shortly to hold hearings in Durban. Mr. Bourquin's appeal was endorsed by a number of leaders of commerce and industry, by trade union groups and by the Natal Region of the Institute of Race Relations. A number of industrial and commer-

cial concerns subsequently announced immediate increases in African wage rates.

Early in July, the City Council was asked by its Bantu Administration Committee to ban from the Durban area, in terms of the Natives (Urban Areas) Consolidation Act, nine Africans whose presence was considered to be detrimental to the maintenance of law and order. The Natal Coastal Branch of the Liberal Party appealed to the City Council not to make use of this arbitrary legal procedure. By a majority of one vote, the City Council decided not to ban the Africans concerned from the Durban area.

Immediately after the riots, the Bantu Child Welfare Society launched a public appeal for assistance in re-establishing its services. On 22 June, Mr. Ronald Butcher, M.P., Chairman of the Cato Manor Appeal Fund, the chief source of finance for the many welfare bodies operating in the area, emphasized the importance of continuing charitable work. On 24 June, it was reported that a number of African residents had offered their assistance in re-building seven welfare huts operated by the Cato Manor Community Huts organization. On November 3, the Director of the Bantu Administration Department stated that restoration of buildings of private welfare organizations was proceeding, often with the help of Africans in the area.

On 18 July, the Bantu Affairs Commissioner in Durban held a meeting at Cato Manor when African residents were invited to express their grievances. About 2,000 Africans attended. In an editorial of 1 August, the newspaper Ilanga Lase Natal commended the Commissioner for his action in calling the meeting. It emphasised the importance of mutual understanding and co-operation.

On 23 July, senior Government and Municipal officials carried out a personal inspection of conditions in Cato Manor. They were accompanied by African members of the Cato Manor Welfare and Development Board.

On 27 July the Senior Information Officer of the Department of Bantu Administration and Development in Natal issued a statement on the riots in Cato Manor. He rejected outright the contention of the Director of the Bantu Administration Department of the Municipality that the riots were the result of general economic need. He criticized the Municipality for inadequate control in matters such as population influx and liquor brewing. He suggested that if the housing problem had become too big for the local authority, it should be handed to the Government for urgent and drastic action. On the following day, the Mayor of Durban replied to the criticisms, and expressed disappointment at the fact that a senior Government official should have engaged in public recriminations. He outlined the efforts that had been made by the City Council in the field of housing, and the difficulties that had been encountered. He stated that mutual co-operation was needed between the Government and City Council.

On 2 August, a special meeting of African residents at Cato Manor called by the Welfare and Development Board discussed the re-introduction of health and other services to the area.

On 3 August, a deputation from the Durban City Council held a meeting with the Minister of Bantu Administration in Pretoria, when the Cato Manor situation and the restoration of basic services was discussed.

On 11 August a special meeting took place in Durban between City Councillors and senior Government and Municipal officials, after which the Mayor announced that essential services would be restored immediately. He also announced the establishment of an ad hoc liaison committee which would remain in existence as long as was necessary.

Following discussions between City Council and Government representatives it has been announced that a large new African housing scheme is to be established in the Umhlazi Mission Reserve to the south of Durban. It is planned that this will accommodate about 20,000 families and as a matter of urgency, 10,000 sites are to be provided to re-house Africans now living in Durban locations, including the Cato Manor area.

At the time of writing, transport services to the new township were being investigated by the Government and a contour survey was being carried out. The area falls outside the Durban Municipality which will act as the agent of the Native Trust. Whilst the scheme has been announced in broad outline, details have not yet been officially released. As the land falls within the areas set aside in terms of the 1936 Native Trust and Land Act, it is believed that Africans will be able to acquire freehold rights to property.

As a result of the boycott of Municipal beer, profits dropped considerably. The profit made from this source of revenue in 1956/57 amounted to £193,000 of which £74,000 was spent on welfare work and £128,000 on African housing. About 30 different welfare and community organizations received grants-in-aid totalling about £14,000. Financial estimates for 1958-1959 show the planned budget for subsidized milk at £37,000.

As a result of the drop in profits, the Bantu Administration Department at the end of July decided to discontinue temporarily a scheme under which milk was sold to location residents on a


A SURVEY OF RACE

subsidized basis. Representations to the Municipality were made by a number of interested welfare organizations. Milk is a very important factor in combating the high incidence of malnutrition among Africans, particularly children. Leader articles in the Sunday Tribune (12 July) and the Hlanga Lase Natal (25 July) criticized the fact that under the present financial system, welfare services were of necessity dependent upon profits made from beer. A critical study of the system of financing African services is at present being undertaken by the Natal Region of the Institute. At the time of writing sales of Municipal beer had not returned to the previous level.

Tribute has been paid to the police from many quarters for their handling of the riots and disturbances in Durban and other centres in Natal. Ex-Chief Luthuli, in a statement published on 23 August, expressed his heartfelt gratitude to the police for the patience and restraint they had shown.

Some criticism has been expressed at the methods of reporting of the Durban riots in some overseas newspapers. An attempt was made to destroy a school at Edendale, an African area on the other side of the City, but the fire was extinguished before the police arrived. African residents took steps to extinguish the fire.

The Natal African Teachers' Union and the Maritzburg Urban Bantu School Board sent letters to the City Council condemning the riots in which the three schools were destroyed. The School Board expressed its loyalty to the City Council, and stated that only a minority of the Sobantu people had taken part in the riots. The Teachers' Union commended the City Council for its "liberal policy towards Native administration."

The beer halls were closed during the disturbances and remained closed for some weeks afterwards. At the time of writing, the Manager of the Native Administration Department stated that conditions had returned to normal.

The African National Congress and the Natal Indian Congress branches in a public statement condemned the use of violence and appealed to African rioters to stop demonstrations.

PIETERMARITZBURG

On the afternoon of Friday, 14 August, large crowds of women staged demonstrations at the three beer halls in the City, and warned men that they should not drink Municipal beer. Police action was taken throughout the afternoon and early evening, and the crowd was dispersed. During the disorders, a European member of staff at one of the beer-halls was seriously injured.

On the following evening, an uncontrolled mob destroyed by fire three African schools at Sobantu Village, a location on the outskirts of the city. The families of European municipal officials vacated their houses under police protection. Two Africans, including a school-teacher, were killed during the rioting. Thirty-eight Africans were subsequently charged on various counts including arson, public violence and assault. Five of the accused were women, and twelve were under nineteen years of age. Eleven persons were found guilty on various counts, and sentences ranging from 18 months to 2½ years were imposed upon eight adults. Three juveniles were remanded for special report.

An attempt was made to destroy a school at Edendale, an

HARDING

RELATIONS: 1958-59

On 14 August, thirty African women were convicted in the Harding Magistrate's Court of malicious injury to property and each sentenced to twelve weeks' imprisonment, four of which were suspended.

According to evidence given during the Court proceedings, there had been resentment in the district at the proposal of the Bantu Administration Department to undertake certain soil conservation work, which would necessitate some of the fields being 'grass-stripped' and some of the huts being moved in a year's time. The Agricultural Officer had planned to start work on 16 July, but it was decided to postpone this until a meeting had been held and the nature of the work explained to members of the Maci tribe. The Native Commissioner called a meeting on 21 July, but because of certain reports received, the meeting was cancelled. Those tribesmen who arrived for the meeting were informed accordingly, and the gathering dispersed.

Shortly afterwards, a group of African women arrived and destroyed a wood-and-iron hut used by the Agricultural Officer of the Department. After their trial and sentence on 14 August, and whilst the women were being escorted to the gaol, a number attempted to escape from custody.

During the evening, fires were started on farms belonging to European farmers. Because trouble was feared, a large number of European families sought accommodation over-night at the Harding hospital, and it is reported that by mid-night, 600
women, children and aged persons were within the hospital which was guarded by armed European men.

At 2.30 a.m., a group of Maci tribesmen arrived in the town and requested the African women's release from gaol, pointing out that many had young children and babies at home. (At the subsequent trial, evidence was given that seven women had breast-fed babies.) After discussions with the police and magistrate, they left the town peaceably.

On the following morning, the women were transferred to the Pietermaritzburg gaol. The train service between Harding and Port Shepstone was temporarily suspended following reports that boulders had been placed on the tracks.

The Secretary for Bantu Administration and Development said later that a contributory cause of the friction had been the existence of a rebellious tribal faction with their own candidate for the chieftainship.

Twenty-seven Maci tribesmen later appeared in Court. Eighteen were found guilty. Sixteen were sentenced to two years' imprisonment, one to eighteen months, and one to two years, two months. In each case, six months were suspended. An appeal has been noted.

OTHER COUNTRY AREAS

From the early part of August, demonstrations took place and unrest manifested itself in a very large number of different centres in Natal. Some of the demonstrations were orderly, when large congregations of women met outside Native Commissioners' Courts in various centres, and deputations expressed the women's grievances. Other incidents involved the large-scale destruction of dipping tanks, threats to dipping inspectors, commandeering of buses, and further beer-hall demonstrations.

On 13 August, the District Commandant of Police in Pietermaritzburg reported that 75 per cent of the Government dipping tanks in the Natal Inland Police division had been destroyed by gangs of African women.

On 19 August, 113 women were found guilty by an Umzinto Magistrate of malicious injury to property, arising out of the destruction of a dip. They were each fined £25 or three months' imprisonment. At the stage of the trial, the Umzinto gaol which was built to accommodate 115 prisoners was accommodating 482 persons.

On 12 August, over 350 women met at the Dweshula Trading Store near Port Shepstone and demanded an interview with the Magistrate and Government Agricultural Officer. This meet-

CAUSES OF UNREST

A Press report of 17 August stated that tribesmen and African National Congress leaders attributed the destruction of dipping tanks to general dissatisfaction with Government policies.

RELATIONS: 1958-59

ing took place later, when the women expressed dissatisfaction at the fact that whilst in the past they had been paid to clear fire-breaks around the forest, they were no longer paid and were told that it was a tribal responsibility.

On 14 August, 84 women were fined £5 (or one month) in the Umzinto Magistrate's Court for creating a disturbance, after they had demanded that the owner of a bus firm should provide free transport to the Magistrate's office. Similar incidents involving buses took place in other areas.

Demonstrations and unrest—some involving arrests—were reported at Ixopo, Hibberdene, Camperdown, Port Shepstone, Colenso, Estcourt, Inanda, Wartburg, Indudutu, Umtwalumi and a large number of other centres.

On 22 August, a Press report estimated that about 600 African women were in gaol as a result of the unrest and disturbances throughout the Province. Fines imposed were reported to have totalled £13,000 and alternative gaol sentences 228 years. In addition, many magistrates were said to have warned tribes that compensatory fines would be imposed for damage to property by members of their tribes.

On 21 August, the Secretary for Bantu Administration and Development stated:

"The Bantu Commissioners and Magistrates are taking firm action in their courts and are imposing severe sentences on law-breakers and rioters"... (15)

On 8 October, 366 women appeared at a night sitting of the Ixopo Magistrate's Court on a charge of contravening a regulation under the Natal Native Code by failing to disperse when ordered to do so by the police. A large group of women had collected outside the Magistrate's Court during the morning, and a deputation had interviewed the Native Commissioner in the afternoon. It is reported that the women were unarmed and proceedings were peaceful and orderly. All of the accused were found guilty and each fined £35 or four months' imprisonment. None of the women paid fines and they were transported to Pietermaritzburg gaol the following morning. An appeal was noted.

against unpaid labour in maintaining dipping tanks had developed into a symbol of frustration. In the past, the Government had paid labourers to maintain the dips, but responsibility had been transferred to the Zulu tribes, the women being expected to perform the work without payment. Other grievances mentioned included the rigid application of influx control which prevented many potential bread-winners from seeking employment; the increase in poll-tax; and the extra £1 levied in some reserves for education. Tribal representatives are also reported to have stated that the aspect of Government policy most resented was the proposed system of closed settlements under the betterment scheme.

In a statement in the Senate on 17 August, Senator Cowley, Natives' Representative for Natal, attributed the wave of unrest to influx control, to recent increases in taxation, and to a general feeling of frustration. He urged the appointment of a judicial enquiry. He also said that Africans felt that their voice was not being heard. Their representatives were being removed from Parliament, and Ex-Chief Luthuli had been banned. He said that the African National Congress should be allowed to have its say. There was a pressing need for the voice of the Bantu to be given an outlet.

On 19 August, a senior police official in Natal stated that the African National Congress was directly responsible for organizing the campaign of defiance. In a statement to S.A.P.A. on 24 August, Ex-Chief Luthuli denied that the Congress had any part in the organization of the recent demonstrations, and stated that the demonstrations had been spontaneous and local in nature. He added that the African National Congress had many members in various communities throughout Natal, and that it was natural that those members should take part in demonstrations.

In a widely distributed circular issued by Ex-Chief Luthuli, he listed the following reasons for the protests by the women: (29)

1. The removal of people from places which they had built and the demolition of homes, e.g. at Cato Manor.
2. Influx control, personal passes for women, and the refusal of permits to seek work in the towns.
3. Increase in rents of houses in locations, and in poll tax.
4. New regulations regarding the filling of dipping tanks by women without payment, and the “gathering together of people into one place to erect locations in the reserves” (i.e. closer settlement schemes).
5. Low wages in relation to the ever-increasing cost of living.


ACTION TAKEN FOLLOWING THE NATAL RIOTS

Dr. W. W. M. Eiselen, the Secretary for Bantu Administration and Development, made a quick tour of Natal in mid-August, holding discussions with Bantu Affairs Commissioners and Magistrates. His conclusions were made public in a Press statement (30).

His most important finding, he said, was that the vast majority of the Africans were peace-loving people who strongly condemned the criminal and senseless actions of misguided local groups. Why, then, did they allow the destruction in their midst of valuable assets for which they had paid, directly or indirectly? This senseless destruction could be understood only against the background of the “sustained and exaggerated criticisms of everything the State does for the benefit of the Bantu and the feeling of uncertainty and confusion caused by it among the broad masses.”

Subversive organizations made dexterous use of that uncertainty and confusion, Dr. Eiselen continued. They struck in places where control was necessary for the general welfare of the community, for example where there was slum clearance, influx control, distribution of labour, compulsory dipping of livestock, and where beer brewing might only be done in the authorised way. They represented these as oppressive measures.

A general contributory factor was the declining demand for migrant labourers in Durban and Pietermaritzburg. Employment opportunities were available elsewhere, but not on these urban markets, which Africans regarded as the most favourable.

It was significant, Dr. Eiselen remarked, that deputations of women with grievances always raised the same points, in the same order, and with the same slogans. To disguise the similarity of pattern, the mouthpieces behind it all had done everything in their power to avoid giving their names. But it was known that these persons were ringleaders of the African National Congress.

Dr. Eiselen said that he had instructed officials not to have discussions “with masses of women and their so-called leaders,” but to make it clear that they would always be willing to have discussions with the recognised Bantu authority, the tribal chiefs and the responsible male leaders of the community. “Recognition of women's demonstrations on the lines that have found favour among the Whites — where the women have status altogether different than that of Bantu women — can at this stage only have a harmful and dangerous effect which could undermine the entire community structure,” he added.

(30) C.E. Star, 21 August 1959.
"With regard to punishment, the State cannot be satisfied with the punishment only of the individuals. The State will hold the Bantu communities concerned responsible for the repair of damage done. The first requirement is, however, that they must help bring to book the evildoers and agitators," Dr. Eiselen announced.

Mr. Arthur Hopewell, M.P. for Pincetown, then said publicly that according to the Press, Dr. Eiselen had confined his discussions to officials. While these officials were admittedly doing good work, such discussions were insufficient. The situation was serious enough to warrant a judicial inquiry so that people of all races could be given a chance of stating their views. The basic problem still remained: What were the grievances, and how were they to be remedied?

The President-General of the African National Congress, Ex-Chief A. J. Luthuli, said in a statement to the Press that Congress was very definitely not behind the disturbances in the sense of organizing the people. It would never organize along violent lines because it was against such a policy. It was possible, as reports had stated, that some of the demonstrators had worn Congress uniforms or armbands; but no party could be held responsible for the individual actions of its members. The acts of violence that had occurred were caused by the urge of unsophisticated people to express the anger and frustration they felt. Peasants angry with the Government might—quite irrationally—destroy the amenities which had become symbols of authority.

Referring to Dr. Eiselen's remark that the women should go with their complaints to the menfolk who, in turn, should go to the chiefs, Ex-Chief Luthuli said "that might have been all right under the reign of Shaka, but we have imbibed democratic principles." Although the African National Congress had not organized the disturbances, it would ensure that justice was done by meeting the legal costs involved in defending those who had been arrested, he promised.

According to a Press report volunteers from the African National Congress visited the main trouble spots in Natal during the week-end of August 23—in a drive to rally the people round Congress, to win their support for clear-cut demands within the framework of Congress policy, and to mobilise them in an organized, disciplined movement. Further drives were planned for the following week-end.

The Congress movement, which consists of the African National Congress, the South African Indian Congress, the South African Coloured People's Organization, the South African Congress of Trade Unions, and the Congress of Democrats, called a conference in Durban on 6 September with the object of telling the people how they could continue their campaign more effectively without violence. In a pre-conference statement the joint secretariat of these bodies in Natal said that, while reiterating their policy of non-violence, they "would like it clearly understood that most of the troubles are due to the application of the apartheid laws of the Government, and its lack of contact with the people."

Circulars written in Zulu containing a message from Ex-Chief Luthuli (previously quoted) were widely distributed prior to the conference. He commended the women for their protests, but pleaded that demonstrations should be orderly and non-violent. He condemned attacks on persons and property, which were in conflict with the policy of the African National Congress. He appealed to African men and to Congress members to assist in making known the policy of non-violence. He warned the people against the danger of persons falsely representing themselves to be Congress leaders.

**General Matters Affecting Coloured People and Asians**

**THE FUTURE POSITION OF COLOURED PEOPLE IN SOUTH AFRICA**

The Prime Minister has admitted that his ideas in regard to the future of the Coloured people in South Africa are, in certain respects, vague. In the Assembly on 4 May 1959 he drew a distinction between the Africans and Coloured people and went on to say:

"The Coloureds represent a minority group of the population and they do not therefore constitute the same danger to the numerically superior White... With regard to the Coloureds we must apply the principle of apartheid... on different lines... I was honest enough to say that in regard to the Coloureds we accepted the principle and the ideal of apartheid, but how precisely it would operate was not quite so clear, in view of the fact that there were various possibilities. To some extent we ourselves will have to evolve such
methods, and for the rest successive generations will have to do so. We definitely do not accept, however, that there will be integration or intermingling of the political structure for the Coloured and the White man, neither in the municipal sphere nor in any higher sphere.”

THE FUTURE OF THE ASIANS

The grave fears of the Indians and Chinese in South Africa that, through the implementation of the Group Areas Act, very many of them will be deprived, not only of their homes, but also of their means of livelihood, are described in a later chapter of this Survey.

Their fears for the future were by no means assuaged by a remark made by the Prime Minister during a Parliamentary debate on unemployment. He said, "In my opinion the Indians are not our problem in the first place but the problem of those who are so anxious to take the care of the Indians on their shoulders. If other people are worried about the Indians, let them take the Indians back there, where they would have better opportunities of employment.”

NUMBERS OF COLOURED VOTERS REGISTERED

Because of their feelings of frustration and resentment, many Coloured people have apparently lost interest in exercising a vote in the White man’s parliamentary machinery, especially since 1956, when the Coloured voters were placed on a separate roll.

In reply to a question in the Assembly, the Minister of the Interior gave the number of Coloured voters in various years:

- 30 June 1948: 46,051
- 2 May 1953: 47,849
- 3 April 1958: 19,128
- 17 December 1958: 23,822

COLOURED REPRESENTATIVES IN PARLIAMENT AND THE CAPE PROVINCIAL COUNCIL

The Separate Representation of Voters Act of 1951, which in 1952 was held by the Appeal Court to be invalid and was revalidated in 1956, provided that a White Senator would be nominated by the Governor-General on the ground of his thorough acquaintance with the reasonable wants and wishes of the Coloured people of the Cape. During November 1958 it was announced that the Rev. J. G. Olivier, general mission secretary of the Nederduisse Gereformeerde Kerk, had been so nominated.

The four Coloured representatives in the House of Assembly, elected in April 1958, are Mr. A. Bloomberg (Peninsula), Mr. C. Barnett (Boiland), Mr. M. W. Holland (Outeniqua) and Mr. G. S. P. le Roux (Karoo).

It was stipulated in the Separate Representation of Voters Act that the election of the two Coloured representatives in the Cape Provincial Council should take place not less than eight days before the election of White representatives, which was held in October 1959; but voting proved to be unnecessary since Mr. G. S. Eden was returned unopposed in the North Cape Division, as also was Mr. R. M. Friedlander in the South Cape Division.

THE COLOURED AND INDIAN MUNICIPAL FRANCHISE

The Cape Province

Ever since 1836, when Ordinance No. 9 established municipal boards in the towns and villages of the Cape, Coloured (including Asian) people have been entitled to vote in municipal elections in that province, and to stand for election, provided that they can fulfil the qualifications that have been laid down for all—i.e. age of 21 or over, ownership of rateable property worth at least £200, or occupation of property worth at least £400.

At the end of 1958 there were an estimated 15,000 Coloured voters on the common municipal rolls, while six Non-White persons were serving on various city or town councils. For the preceding fifty years the Cape Town City Council had never been without at least one Coloured councillor.

In December of that year, Nationalist members introduced a motion in the Cape Provincial Council asking for the removal of Coloured voters from the municipal rolls. The Nationalist majority in the Council was able to secure the adoption of the motion.

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There were wide repercussions, especially in Cape Town. At a specially-convened meeting the Cape Town City Council resolved, by 31 votes to nil, to submit a memorandum of protest to the Administrator. This memorandum drew attention to the long history of racial amity that had been characteristic of the Western Cape, and stated that separate municipal representation would destroy inter-racial civic co-operation. It drew attention to a proposal that had emanated from official circles—that Coloured people should vote separately to elect local boards in Coloured
group areas, and pointed out that no Coloured group area would be economically capable of sustaining itself as a separate municipal unit.

A public meeting was held, at which a Cape Committee for the Defence of the Non-Racial Municipal Franchise was constituted, with representatives from the Civil Rights League, Institute of Race Relations, Black Sash, S.A. Coloured People's Organization, Congress of Democrats and Co-Ordinating Committee for Group Areas. Various prominent persons, among them the Ex-Chief Justice, the Hon. A. van de Sandt Centlivres, served in their individual capacities.

On 12 January a deputation from this Committee, led by the Ex-Chief Justice, was granted an interview with the Administrator. A memorandum was handed to him, in which it was pointed out that there was nothing in the Cape Municipal Ordinance of 1951 to prevent the Provincial Executive Committee from establishing municipal councils for Coloured townships, assuming that it were possible to establish such townships that would be viable units of local government. It was, however, unlikely that anything more than residential segregation would be achieved through the implementation of the Group Areas Act. In that case, Coloured people should continue to have an effective voice in the expenditure of municipal funds, which would be denied to them if they were entitled to serve merely on advisory bodies in the Coloured group areas.

As requested in petitions that were sent to him, the Mayor of Cape Town called a public meeting which was attended by members of all racial groups. Unanimous support was given by this meeting to a motion put by the Hon. A. van de Sandt Centlivres, to the effect that the Government should not interfere in city affairs and should not change the Non-White municipal franchise. There was prolonged applause when a suggestion was made that the City Council should resign en bloc in protest if the Government enforced racial separation in municipal affairs.

Early in January, after the Administrator had held discussions with Cabinet Ministers, he set up a three-man commission of inquiry to investigate the creation of separate municipal rolls for Coloured voters for the election of separate local boards and governing bodies. This commission sent questionnaires to local authorities in the Cape.

The Cape Town City Council replied that while in principle it would not be averse to the introduction of a greater measure of local autonomy, there was no area within its borders that was capable of survival as an independent local authority. In all cases substantial financial and administrative assistance would be necessary from adjacent municipal authorities or the Provincial Administration.

RELATIONS: 1958-59

The low rateable valuation of properties in Coloured areas, and the small earning capacity of the vast majority of the population, would make it impossible for these areas to produce the revenue necessary for maintaining administration and essential services and amenities, the City Council continued. Furthermore, the sewerage, water and electricity services would have to be supplied from central sources, and it would be highly difficult to calculate what proportion of the capital costs should be charged to Coloured areas such as Athlone or the Malay Quarter. In any case, if the Cape Town City Council continued to provide essential services, as would be necessary, there would be little for a Coloured local authority to undertake.

The commission's conclusions had not yet been made public at the time of writing; but it would appear that the Prime Minister has so far not been influenced by the large volume of protest. As is mentioned above, he said in the Assembly during May, "We definitely do not accept that there will be integration or intermingling of the political structures for the Coloured and for the White man, neither in the municipal sphere nor in any higher sphere."

Natal

The Separate Representation of Voters Act did allow for the continued registration of Coloured parliamentary voters in the Cape, although they would have to vote on a separate roll to elect limited numbers of White representatives. But it had a still harsher impact in Natal, providing that no further Coloured persons would be registered as parliamentary voters there after the Act came into operation. Those already registered could remain on the common roll until they died. (There were no registered Coloured voters in the Transvaal or Free State).

As one of the qualifications for the municipal franchise in Natal is that the applicant must be on the parliamentary voters' roll, this meant that no further Coloured people could qualify to vote in municipal elections there. The Natal Municipal Association has been very much concerned about this situation. The matter was discussed at the Association's annual conference in September 1959, when it was decided to ask each local authority in the province to express its views on the Non-White municipal franchise. Representatives will report back to the meeting of the Association's executive committee in December 1959.

In the Cape, the term "Coloured" includes Asians for voting purposes, but this is not so in the other provinces. The Indians of Natal were deprived of the municipal franchise in 1922, and have never possessed it in the Transvaal or the Free State. Indians who were already registered voters in Natal in 1922 remained
on the roll, however, and continue to be entitled to vote and to stand for election to municipal councils. One of them, Mr. E. M. Moolla, was in October 1959 elected by a mainly White electorate as a member of the Stanger Town Board.

The Estcourt Town Council recently decided to suggest to its Indian ratepayers that they should elect representatives who would attend Council meetings and participate in debates, but without voting powers. This suggestion was accepted by the Indians, who appointed a committee which will debate municipal affairs and take its recommendations to the Council.

THE COLOURED AFFAIRS DEPARTMENT

In the Assembly on 1 June 1956, the Minister of the Interior maintained that because the Coloured people have special problems, a separate Coloured Affairs Department was essential. Out of a total of 474 posts in this Department, 221 were already filled by Coloured people who were serving as research officers, information officers, teachers, clerks and superintendents of institutions as well as in more junior capacities, the Minister said.

Three of the Coloured representatives expressed their views. Mr. G. S. P. le Roux associated himself with Mr. A. Bloomberg in paying tribute to the Department, which, he said, was giving wonderful assistance to Coloured people. Nevertheless, many Coloured citizens distrusted the arrangement, fearing that the Department would develop in the same way as had the Department of Native Affairs, and would eventually control every facet of their lives.

Mr. C. Barnett expressed his agreement with these remarks. He urged that the Department should be abolished, and that the Coloured people should be treated as first class citizens and governed in the same way as are the Whites.

As the Hon. A. van de Sandt Centlivres pointed out in a paper presented at an Executive Committee meeting of the Institute of Race Relations, "A large number of Cape Coloured people view with disapproval the establishment of the Coloured Affairs Department. They point out that the only civilization that they know is Western civilization, that most of them are Christians, that they speak the languages of the White man and that they share their homeland with the White man. They also point out that they have always championed the cause of White civilization: they fought alongside the White man in many of the early Border wars and in particular they won laurels in the campaign in Palestine during the first World War. They did excellent service as non-combatants in the second World War. They were anxious to serve as combatants in that war but were not allowed to do so by the authorities. They object to being treated differently from the Whites."

THE UNION COUNCIL FOR COLOURED AFFAIRS

The Separate Representation of Voters Act of 1951 provided that a Board for Coloured Affairs would be set up to advise the Government on the interests of the Coloured people and to carry out such statutory or administrative powers as might be assigned to it.

The constitution of this body, as laid down in 1951, was altered by the Separate Representation of Voters Amendment Act of 1956, and its title was changed to the Union Council for Coloured Affairs. It is to consist of fifteen nominated and twelve elected members. Of the nominated members, eight (of whom at least one shall be a Cape Malay and one a Griqua) will be selected from the Cape, two from Natal, one from the Free State and four from the Transvaal. The elected members will come from the Cape only: in each of the four electoral divisions there, registered Coloured voters will elect three representatives.

Detailed provisions relating to the functions of the council, fees payable to members, the setting up of an executive committee and the procedure at meetings were summarized in the 1955-56 issue of this Survey, as also were the reactions in the country generally.

The establishment of the Union Council for Coloured Affairs was gazetted on 22 May 1959 in terms of Proclamation 110. The Deputy Minister of the Interior said that the election of members would take place after the provincial elections in October. The Department of Coloured Affairs would in due course be asked to submit the names of candidates for nomination.

Considerable sections of the Coloured people continue to oppose the creation of this new body, and are likely to boycott the elections.
RELIGIOUS SERVICES IN COLOURED MISSION STATIONS AND RESERVES

A summary was given in last year's Survey of the new regulations for the control of Coloured mission stations and reserves that were gazetted on 25 October 1957. Briefly, these provided, inter alia, that it is an offence for anyone, unless with the permission of the Commissioner for Coloured Affairs or the magistrate, to hold or address a gathering of more than five persons. Bona fide religious services are exempt from this provision provided that they are conducted by the mission society running the mission station concerned, or by any other church to which a portion of the commonage has legally been sold. Other religious services are exempt only if approved by the Commissioner for Coloured Affairs or the local magistrate after consultation with the mission society and any other church legally established in the area, or if the Board of Management of the reserve has passed a resolution in favour thereof and such resolution has been approved at a special meeting by not less than two-thirds of the total number of registered occupiers of land in the mission station.

These provisions were used during 1958 to prevent the Calvinist Protestant Church, which had broken away from the Dutch Reformed Church, from operating in the Kommagas and Concordia reserves in Namaqualand, although it had large numbers of adherents in the areas concerned. Three church wardens, prosecuted for holding a religious gathering of more than five persons, were found guilty in a magistrate's court and given suspended sentences. For a time the Anglicans and Catholics, too, were debarred from holding services in these reserves.

At its meeting in January 1959, the Council of the Institute of Race Relations passed the following resolution:

"The Council, in re-affirming the principles of freedom of worship, is strongly opposed to Regulation 88 of 25 October 1957, issued by the Minister of the Interior under the Mission Stations and Communal Reserves Act, No. 29 of 1909 as amended, as unduly limiting freedom of assembly and of worship in Coloured mission stations."

The Calvinist Protestant Church was, later, granted permits to hold services in the Namaqualand reserves.

COLOURED MISSION STATIONS AND RESERVES
AMENDMENT ACT, No. 32 OF 1959

According to the Deputy Minister of the Interior, the total area of the Coloured mission stations and reserves is 1,750,000 morgen, and they are inhabited by about 25,000 people. Their situation was described in last year's Survey.

The Coloured Mission Stations and Reserves Amendment Act of 1959 provided that two or more of these areas may be combined into one mission station. In the speech referred to above, the Deputy Minister said this might in some cases be necessary for improved administration, but would not affect areas which already had their Boards of Management. The Act empowered the Governor-General to enlarge mission stations by vesting Crown land in the Minister of the Interior in trust for the inhabitants. The Deputy Minister explained that very little Crown land is available near the Coloured areas. The Government's intention is merely to round off certain of the reserves.

The rates payable annually by adult male residents have been increased from 10s. to £2, in terms of the Act. The aged and chronic sick may be exempted from paying these.

In the past, all development of mission stations or reserves was left to the initiative of the Boards of Management. The new measure provides that, after consultation with the Board, the Minister may declare such an area, or part of it, to be a betterment area and then, out of moneys appropriated by Parliament for the purpose, may carry out and maintain any works required for its development.

After consultation with the Minister of Finance, he may fix the proportion of the cost which must be repaid by the Board of Management, and the proportion of the rates which must be used for this purpose. This proportion will not exceed ten per cent unless the Board agrees. All revenue derived from works that are provided will be used for their maintenance or for other public purposes.

The maximum penalty for contravention of regulations issued under the Act is increased from £5 to £25.

In the Estimates of Expenditure for the year ending 31 March 1960, a sum of £38,650 was set aside in the Revenue Account for soil conservation and afforestation in Coloured mission stations and reserves, while, in the Loan Account, £12,900 was voted for interest-free loans to Boards of Management, £200 for advances to settlers, and £900 for the purchase of additional land.

(12) Page 38.
(13) Cols. 3099-3101, 3108.
(14) U.G. 1/59, 8/59 and 37/59.
The Motor Carrier Transportation Amendment Act of 1959 deleted the proviso to Section seven that is mentioned above, thus enabling Transportation Boards to enforce apartheid in taxi services in the Cape and Natal.

Members of the Opposition pointed to the difficulties that might arise in very small towns, where there was insufficient custom for two parallel taxi services; but the Minister of Transport replied that the Boards' powers to enforce apartheid were discretionary.

He added that taxi-operators might decide whether they wished to apply for first-class certificates to convey Whites, or for second-class certificates to convey Non-Whites. There were 210 taxis in the Cape Peninsula that had been granted first-class certificates, and 57 of these belonged to Non-White operators. Second-class certificates had been issued to 87 taxis, 24 of which belonged to White operators. A number of White operators, who had obtained first-class certificates, employed Non-White drivers.

Whether a taxi-operator obtains a first-class or a second-class certificate, however, the effect of this new provision of the law will be to circumscribe and probably reduce his business. Coloured and Indian operators will suffer financially, and White operators, in a like plight, may be forced to dismiss some of their Non-White drivers.

The Deputy Minister of Bantu Administration and Development said during March that the Government considered that Africans should not be granted certificates to operate taxis in the Western Cape, since this was the traditional home and sphere of employment of the Coloured people.

Racial Groups of Drivers and Conductors

The Motor Carrier Transportation Amendment Act of 1959 also provided that, when granting certificates for the operation of taxi, bus or tram services, Transportation Boards may specify that only designated classes of persons may be employed as drivers or conductors.

The Minister of Transport said that when buses are run for African passengers, it is only right that they should be operated by Africans.

Employment

The Economic Situation

In an address given at the annual meeting of stockholders of the S.A. Reserve Bank, Dr. M. H. de Kock, the Governor of the Bank, said that the Union's net geographical income increased from £1,931-million in 1956-57 to £1,988-million in 1957-58, which represented an increase of 3.0 per cent, compared with 7.7 per cent between 1955-56 and 1956-57. The net national income (i.e. that accruing to Union factors of production only) showed an increase of only 2.6 per cent in 1957-58. During the same period the retail price index had risen by 4 per cent. Although this index could not be regarded as an adequate and reliable basis for converting money incomes into real terms, it was nevertheless probable that the real national income per head of the population showed some decline for the first time in many years.

As far as the year ended June 1959 was concerned, Dr. de Kock continued, the available information would seem to indicate a further decrease in the rate of growth of the national income. The prices of wool and of many minerals had continued to decline. While certain types of manufacturing activity had expanded, other industries such as textiles, clothing, footwear, furniture, motor assembly and certain sections of the metal and engineering industries were experiencing difficulties. Conditions in the commercial sector had deteriorated too. There had been a widespread reduction of overtime work and some unemployment.

The main reason for the decline in the rate of growth of general economic activity had been the fall in prices paid overseas for many of South Africa's primary products, and the actual contraction of foreign outlets for some export products. The Union had, however, been able to avoid a general recession, two of the principal contributory factors being the continued increase in the gold output and in Government capital expenditures. Dr. de Kock was of the opinion, however, that in the long run private investment must be relied upon as the basic pacemaker of South Africa's free enterprise economy, and that when this showed evidence of a revival, public investment should come to represent a smaller proportion of the total than at present.

Although there were admittedly still some elements of uncertainty regarding the internal economic situation, Dr. de Kock said, particularly in view of the lack of adequate up-to-date statistics, there had in recent months been definite indications that the downward trend in the rate of growth of economic activity had been arrested. There were good grounds for believing that the stage was set for a recovery.
The Department of Justice has been conducting an investigation into the present legal aid system. In the latter half of 1959, it provided the Association of Law Societies with a memorandum, which was approved by a Committee consisting of prominent officials of the Department, the contents of which have not been permitted to be made public.

In a lengthy editorial in the October issue of de Rebus Procuratorii an account of what appear to be substantial extracts from this Memorandum is given. It states that the investigation disclosed omissions and defects in the existing Legal Aid Bureaux system, such as lack of control over staff, that bilingualism is not maintained, that experienced and able practitioners are in general not available for legal aid work, that the Bureaux are not trained to engage in domestic matters and that the only aspect with which they concern themselves is to commence divorce proceedings without attempting to effect a reconciliation. It expresses at some length the same views as those given above by the Secretary for Justice, namely, that the Department is satisfied that on the strength of the existing system innocent persons are found not guilty and all persons who are really guilty are found guilty. It does not consider, in view of existing provisions, that possible failures of justice can be advanced as a ground for the granting of legal aid. It recommends the complete repeal of legal aid in criminal matters except that pro deo defences (on an improved basis) should be retained for accused on capital charges. It considers legal aid necessary in civil matters, but excludes all Africans, stating that sufficient provision is made for them by the Bantu Courts and Commissioners and that everything is already being done in this regard to prevent a failure of justice. It also recommends that all cases of family disputes should be completely excluded. An "Enquiries Office" with an official in charge should be set up at the magistrate's office, to which applicants would go and from which they would be referred to the correct channels. An applicant who appeared to qualify for legal assistance would be referred to an attorney—one of a panel prepared to help in turn—in accordance with the in forma pauperis procedure, which would be made simpler and more effective. The editorial requests readers' views, pointing out, however, that the law societies are being consulted not on the principle of the suggested scheme but on details of its operation.

As was mentioned in last year's Survey, after a period of "token representation," the Union Government is again participating fully in the work of the United Nations. Its Minister of External Affairs, the Hon. Eric H. Louw, has been appointed a Vice-President of the United Nations.

The United Nations Standing Committee on South-West Africa, of which Brazil, Ethiopia, Finland, Guatemala, Indonesia, Ireland, the Philippines, the United Arab Republic and Uruguay are members, submitted a further report during August 1959. Its conclusions, inter alia, were that the Union Government had failed to carry out the obligation it undertook to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory. It was basing its administration of South-West Africa on a policy of apartheid and White supremacy which was contrary to the mandates system and to the United Nations Charter.

At its 1958 Session, the General Assembly re-appointed the Good Offices Committee. This Committee reported to the Trusteeship Committee in September 1959 that its discussions with the Union Government had ended in a deadlock. In accordance with its terms of reference it could not negotiate any agreement which did not recognize the authority of the United Nations. But the Union Government continued to maintain that the United Nations was not the heir of the League of Nations and had no jurisdiction over South-West Africa.

Mr. Eric Louw headed the Union's delegation during the early part of the Session. He announced to the Trusteeship Committee that the Union Government had decided without prejudice to reply to some of the criticisms of its administration of South-West Africa, and to answer questions. For that reason, he said, Mr. J. G. van der Wath, M.P. for Windhoek, leader of the National Party in South-West Africa, and a long-standing member of the territory's Executive Committee, had been included in the delegation. Mr. van der Wath subsequently made several long informative speeches.
Mr. Louw said that the Union Government was anxious to resolve the deadlock that had arisen. If the door for future discussions were left open, it was possible that an unexpected and perhaps acceptable way out of the difficulty might emerge. With a view to this, he was prepared to recommend to his Government that all official reports dealing with South-West Africa, and reports of debates in the territory’s Legislative Assembly and of relevant debates in the Union Parliament, should be sent to the United Nations.

The Trusteeship Committee granted oral hearings to thirteen applicants, including several Africans, the Rev. Michael Scott, Mr. Hans Beukes (the student whose passport had been withdrawn but who had nevertheless succeeded in leaving South Africa), and two Americans who had visited South-West Africa.

On 17 November 1959 the General Assembly voted on motions that had previously been adopted by the Trusteeship Committee. By 55 votes to five, with eleven abstentions, the Assembly adopted a resolution calling on South Africa to enter into negotiations with the United Nations through the Standing Committee or any other committee which the Assembly might appoint, with a view to placing South-West Africa under United Nations trusteeship. South Africa was asked to report at the 1960 Session on the action it had taken. Further resolutions were passed asking South Africa to desist from removing the Hoachanas people from their land to another location, and to restore the passport of Mr. Hans Beukes.

APARTHEID AND THE TREATMENT OF INDIANS IN SOUTH AFRICA

The item “race conflict in the Union of South Africa resulting from the policies of apartheid of the Government of South Africa” was again included on the General Assembly’s agenda in 1959.

On 17 November, by 62 votes to three, with seven abstentions, the Assembly adopted a resolution expressing deep regret and concern that the Union Government had not yet responded to previous appeals that it should reconsider its policies which impaired the right of all racial groups to enjoy the same fundamental rights and freedoms. The Assembly stated its deep conviction that policies which accentuated or sought to preserve racial discrimination were prejudicial to international harmony. It was for this reason convinced that the South African Government’s discriminatory policy was not simply a matter of domestic jurisdiction, but was an international subject of the utmost importance.

RELATIONS: 1958-59

In 1957 the General Assembly appealed to the Union Government to negotiate with India and Pakistan with a view to solving the question of the treatment of persons of Indian origin in the Union in accordance with the purpose and principles of the Charter and the Universal Declaration of Human Rights. It was announced during April 1959 by a spokesman for the Indian delegation that India’s resident representative at the United Nations had written to the head of South Africa’s permanent mission proposing that discussions be held between the two delegations, in New York or elsewhere. A similar document had been handed to the S.A. High Commissioner in London by India’s High Commissioner there.

It was reported that during July that Pakistan had also written to the Union Government suggesting that negotiations should be conducted, but had received no reply.

UNITED NATIONS’ CHILDREN’S CHARTER

During October 1959 the Social, Humanitarian and Cultural Committee of the United Nations adopted a Charter which declared that all children in the world, without discrimination, are entitled to special protection, care and equal opportunities for education. South Africa and Cambodia abstained from voting.

UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA AND OTHER INTERNATIONAL ORGANIZATIONS

The Economic Commission for Africa held its first session in Addis Ababa during December 1958 and January 1959. Its terms of reference are to initiate and take part in measures to promote the economic development of Africa, to study economic and technical problems, to act as a clearing-house for technical information, and to give advice and technical help.

The Union Government decided not to join this Commission for the time being. Reasons given by the Department of External Affairs were, firstly, that the Commission proposed to deal with Africa as a single region, whereas the Union Government considered it to be sharply divided by the Sahara, and secondly, that the Commission’s work might overlap with that of existing organizations which were doing valuable work in the region South of the Sahara. South Africa would continue to play an active part in the work of these organizations, for example C.C.T.A. (the Council for Technical Co-operation in Africa). C.S.A. (the Star, 15 July 1959.
DIPLOMATIC RELATIONS WITH OTHER AFRICAN STATES

The Estimates of Expenditure to be Defrayed from Revenue Account for 1959-60 provided for a Union High Commissioner in the Federation of Rhodesia and Nyasaland, an Envoy Extraordinary and Minister Pienipotentary in Cairo, Consuls-General in Angola, Portuguese East Africa and the Belgian Congo, and a Trade Commissioner in Kenya.

So far as the other countries in Africa are concerned, the Prime Minister has said, "We are seeking above all else for friendship. If we find we cannot gain this friendship in a certain way, let us say by establishing certain forms of diplomatic relations, but that we can gain this friendship by assisting one another in the scientific, economic and other fields, we should obviously adopt the policy by which the main objective, the gaining of friendship, can be achieved."

In his opening speech at the SABRA Conference in April 1959, Mr. Eric Louw said that the exchange of diplomats between South Africa and the emerging Black states of Africa was bound to come in the future, although not in the near future. Social segregation between White and Non-White had been the custom in South Africa for many generations, and old-established conventions could not be changed overnight, he added.

Later, during June, Mr. Louw stated that as a proof of the willingness of the Union Government to co-operate with other African states, the Cabinet had decided that international congresses or conferences to be attended by Non-White as well as White delegates could be held in South Africa. He could not say when the first one would be held. An international guest house was to be erected at Jan Smuts Airport for the convenience of White and Non-White in-transit passengers.

It was announced during October that, at the personal invitation of Dr. Nkrumah, Mr. Louw would visit Ghana in 1960.

RELATIONS: 1958-59

CALLS FOR BOYCOTTS OF SOUTH AFRICAN GOODS

The All-African People's Conference, held in Accra during December 1958, called upon independent African states and the United Nations—and all other other countries which professed democracy—to take positive action against South Africa. Independent African states were urged to impose economic sanctions against the Union as a protest against racial discrimination there, and it was suggested that migrant labour from other countries should be withheld.

During July 1959, four countries in the West Indies—Jamaica, Barbados, Grenada and Dominique—announced that they intended banning imports from South Africa as a protest against her racial policies. A conference of Ghana's Trade Union Congress resolved to urge workers to refuse to unload cargoes from the Union, and to boycott South African goods when stocks already carried by firms there had become exhausted. It is understood, however, that mining companies and trade unions in Ghana have made representations for the continued importation of specialized mining equipment from the Union.

Also during July the Kenya Federation of Labour passed a resolution calling for a complete boycott of South African goods. Two months later a Pan-African Conference held in Tanganyika, representative of six African territories in Central and East Africa, decided that as from 1 November 1959 its members would boycott South African liquor, which was easily distinguished, and the widely-used South African-made hoes. A wider boycott would be instituted after details of imports had been worked out.

On 15 November an African trade union conference of the International Confederation of Free Trade Unions, held in Lagos, passed a resolution appealing to all African peoples, the international free labour movement and all democratic governments to use their influence and power to refuse markets for South African goods. The conference urged all democratic unions representing seamen and dock-workers to withdraw their services from firms importing or exporting goods to South Africa.

According to a Press report, in a memorandum to the Minister of Economic Affairs the Afrikaanse Handelsinstituut stated that the disclosure that goods are made in South Africa is, in many instances, found to be a disadvantage on overseas markets, especially in certain parts of Africa. The Executive Council of the S.A. Federated Chamber of Industries recommended that the manufacturer of goods for the overseas market should be allowed to decide whether or not to place a mark on them indicating that they were made in South Africa.

(1) U.G. 1/59
(2) Assembly, 27 January 1959, Hansard 1 col. 65.
(3) Star, 13 October 1959.
(5) Star, 10 July 1959.