

THE BLACK SASH - CAPE WESTERN REGION.

ATHLONE ADVICE OFFICE.

(Under the auspices of the Institute of Race Relations and the Black Sash)

REPORT FOR 12 MONTHS FROM 1ST OCTOBER 1964 to 30th SEPTEMBER 1965.

The number of cases interviewed during twelve months was 4,380 divided into the following categories:-

| | |
|-------------------------------------|-------|
| Men endorsed out, | 451 |
| Women endorsed out | 778 |
| Miscellaneous cases | 722 |
| Old cases returned | 2,429 |
| Total number of interviews for year | 4,380 |
| Total number of new cases | 1,951 |

We have approximately 8,594 authenticated cases in our files which are available for research purposes.

WORKERS: The office is staffed by 30 volunteers, one paid organiser, two paid interpreters and one interpreter loaned from the S. A. Institute of Race Relations twice weekly.

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| 1. <u>VISITORS:</u> | Local | 74 |
| | Overseas | 36 |
| | Total | 120 |

We are delighted that at last South Africans are showing more interest in our work. Members of the Black Sash have been most active in this respect. We would like more members of the general public to come and remind them that the office is open every weekday morning from 9 a.m. to 1 p.m. and they are very welcome to visit us as soon after 10 a.m. as they can manage.

2. INTERVIEWS WITH OFFICIALS:

Our work has been seriously hampered this year by the reluctance of officials of the Department of Bantu Administration, City and Divisional Councils, to grant us interviews. We are repeatedly told that the Africans know that they can come with their problems to these officials and will be sympathetically received. This is not always the case. Unless a European goes with these people they are not always given a fair hearing. So now we plead with employers, or prospective employers, to go with their African employees so as to ensure their having a chance to put their case fully.

3. PRESS REPORTS:

We are grateful to the Press for excellent publicity on several occasions. We first try every known method of helping the African by representations to officials on his behalf etc. but when all else has failed we feel that at least the electorate should know what is being done in its name. We are still confident that if they realise the cruel and inhuman results of Influx Control, South Africans would not allow this state of affairs to continue in which the laws of the land conflict with Christian ethics. They would join with us in their thousands to campaign against the Pass Laws which are as serious an indictment of our society as slavery was in the last century.

4. N/F CASES:

Last year we reported that women proceeding to Cape Town City Council area without permission were given 14 days in which to leave the area and their books were marked N/F (no file made). They are now being issued with white papers instructing them to leave the area within 72 hours and no stamp is put in their books. According to the Deputy Minister of Bantu Administration and Development, in an answer to questions by Mrs. H. Suzman during the Session last year, a woman wishing to work in a proclaimed area must get permission from her local magistrate and also from her husband or guardian before proceeding to that area. But a woman wishing to visit the area need only get permission from the local authority in the proclaimed area. She should be able to apply...

apply for permission during the 72 hours she is allowed to be in the area without a permit. In the Cape Western area no women are being given permission to enter the area to work at all, and if they wish to visit the area they have to get prior permission from their local magistrate, who has to get permission for this from the proclaimed area first, and this will only be granted if there is available accommodation. In practice most of them arrive without this permission and are promptly endorsed out.

5. N/R CASES:

Women who have been here a number of years but who do not qualify to remain under Section 10(1)(a), (b) or (c) of the Urban Areas Act, are being endorsed out under the new regulations. Their books are marked N/R together with a number. In none of these cases can extensions be asked for unless there are extremely extenuating circumstances. We have altogether 339 N/F and N/R cases.

6. CONTRACT WORKERS:

The Contract System whereby men must be recruited from the Transkei for one year's service is now being strictly applied. Any man who does not qualify is usually immediately endorsed out when he reports that he has left his job. He is told that he must go home and apply through his local magistrate to return to Cape Town on a new contract. If a certain firm wishes to employ him they must apply to the local authority for B.A. 403 forms. These have to be filled in quintuplicate and returned to the local authority who, if they approve of the application, send the forms to the Department of Bantu Affairs for their approval. Accompanying these forms must be a certificate from the Department of Labour stating that there is no Coloured person available to do the job. The Department of Bantu Affairs then send the forms back to the local authority, who in turn send them to the Labour Officer in Umtata who forwards them to the magistrate in the area where the worker lives. The worker or workers concerned are then sent down to Cape Town, having agreed to the terms of the contract, often without meeting their prospective employer. The firm applying for labour deposits R15 per head with the local authority - R14 for a single train fare down and R1 for rations. If the train fare is less than R14 the balance is supposed to be refunded to the employer. We know of one employer who states that over R400 is still owing to him for refunds.

When the worker arrives, if he is in the municipal area, the employer is then sent an account for the worker's return train fare, at the expiry of the contract. All this money is then deducted on a weekly basis from the wages of the worker. The exact amount varies with different employers, and in some cases no deduction at all is made. In the Divisional Council area the employer is responsible for paying the repatriation money when the employee leaves and he too usually recovers it in weekly instalments from the worker.

A contract, we are told, may only be broken before the year is out by mutual consent or through the courts. We have had brought to our notice over 100 cases of contracts broken by the employer, apparently with impunity. We have been told that a number of employers have been prosecuted and heavily fined for breach of contract but have not seen any proof of this. We have had a number of cases where the employee has been prosecuted and sentenced for breach of contract. In the majority of our cases the employee has been discharged before the contract is completed, and repatriated.

This whole Contract System must be unsatisfactory to both employer and employee. The employer has no choice of workers, unless he goes up to the Transkei to pick them, but has to take those allotted to him, unless he contracts for a specific person. The employee has no choice of job nor can he offer his labour to the highest bidder. He can however refuse to be contracted to a specific firm. There is a shortage of labour in this area due to:

- (i) the employer not being prepared to go through all the formalities required by the law in order to obtain one or two workers;
- (ii) the waste of time between applying for labour and the actual arrival of the labour.

and yet there are hundreds of Africans in the Transkei urgently needing employment. They can no longer go to a town in search of work but must apply through their local labour bureaux.

in senate

7. SENATOR VON NIEROP'S STATEMENT TO THE PRESS AND OUR REPLY

The Cape Argus

On Friday 12th March 1965 the Cape Argus reported that Senator von Nierop had charged the Black Sash with subversion. As evidence he quoted from the Black Sash special magazine June/July 1959 entitled "Why Passes?": "We know the process continues, wives are separated from husbands, jailed, fined, thrown out of work and deported; children come home from school to find their mothers in jail and small babies are left uncared for".

He said "Mr. President I would go so far as to say even if this were true which it is not, if the safety of your country and your people is being threatened then this is more important than anything in the world". (Hansard p. 1687 March 8th - 12th 1965).

In our report of February 1963 we quoted the case of Mrs. Tunyelwa Ntsumpa whose husband brought her very sick two months-old baby to the office and told us that the mother was in Langa Police cells pending removal to Gofimvaba. She had been arrested within 72 hours of her arrival on Sunday 17th February 1963, fined R10 and R4 for not having a pass book and being in the area illegally. This fine was paid but she was served with a removal order and removed from the court to Langa police cells leaving the baby in the arms of a friend. If it had not been for our intervention she would have been removed from Cape Town without the baby which could have died. We managed to get the removal order suspended twice and later cancelled and she was allowed to remain in this area. The baby lived. She had lost three of her four children.

In our report of April 1963 we reported the case of Mrs. Florence Tsotetsi who came to this office carrying a baby of six months who looked like a "Belsen" baby and weighed eight pounds. She had a long history of arrests for non-payment of rent and for being illegally in the area although she states she had come as a child of fifteen with her mother in 1941. She had lost five of her eight children but we were able to help her to save this one and to get several extensions allowing her to remain in the area while the child attended hospitals and clinics.

Between 1st October 1963 and 30th September 1964 we dealt with 693 cases of women endorsed out - most of them married women - i.e., separated from their husbands who are legally working in this area. There are 18,000 so-called bachelors living as single men at Langa, 68% of whom are married men, i.e., they are living separated from their wives. In April 1963 a woman, Minah Soyo, was arrested for being illegally in this area - which she was - and her husband was away up country on leave. Her four children, the youngest of whom was two, were left unattended for several days. A neighbour, a man, stayed away from work to care for them and we tried to get the children cared for at a Place of Safety. Finally as we were unable to find anyone to care for them we paid her fine so that she could return home to look after her children.

In 1959 this was a more common occurrence than it is now and in fact the Black Sash started a bail fund in 1958 in order to prevent women being jailed with their babies, or leaving uncared-for children at home.

8. TRENDS:

1. Qualified men (Sec. 10(1)(b) Act 25/1945) with homes in the Transkei are endorsed out when they return to this area after unpaid leave. They are told:-
 - (a) that they must register as workseekers in the Transkei;
 - (b) that they must come back on contract even if it is to their previous employer. Provided the absence is less than one year permission to return to the previous employer on contract cannot be refused.
2. A qualified man who has worked here since 1939, mostly in the City Council area, where he had worked 18 years with one employer, but lately in the Divisional Council area, was not allowed to accept work at a school in the City Council area. Nyanga East refused to release him as the Cape Divisional Council area is short of labour.
3. Owing to the strictness of banning orders on certain men it makes it almost impossible for these men to obtain work or permission to accept work offered.

9. SUCCESSSES:

We started listing our successes in April 1965 but in June we were unable to do so as we were refused interviews by the authorities. Cases that are seen by the authorities at our request invariably do not report back, especially if they have been successful. In April we had 26 successes and in May 33.

10. THE SEARCH OF THE OFFICE:

On July 7th six members of the Security Branch raided the office. They had a warrant to search the office, which they did for two hours. They removed an extraordinary assortment of irrelevant papers and two files containing case sheets. All these papers were returned intact on August 16th.

The raid was not entirely unexpected, since it was foreshadowed during the closing stages of the Parliamentary Session by a spate of Nationalist propaganda against us. This propaganda was as false as the raid was unmerited. The raid was not justified on "security" grounds, and we can conclude only that it had the two-fold object of intimidating us and foraging for some semblance of material to support Nationalist imputations.

Our office is open to inspection without prior notice any weekday morning from 9 - 1 p.m. and visitors are welcome to inspect our files, listen to our interviews etc. We have tried very hard to persuade the Department of Bantu Administration to visit the office, and in fact the former Chief Bantu Affairs Commissioner did so two years ago. If the purpose of the raid was intimidation it was an abysmal failure.

We think that the public should know that the Black Sash did not lie down tamely under this invasion of rights. The police were told by our legal representative that the documents they took were unlawfully seized, and that appropriate remedy in the courts would, if necessary, be sought. Since every single paper has been returned, this is now unnecessary.

11. CASES:

1. This case illustrates the difficulties experienced by Africans who are made awards under the Workmen's Compensation Act.

HAMILTON BIYANA: worked for Louw & Halvorsen in the docks. In 1963 he was standing in a queue waiting to receive his pay and was knocked down by a train. He was taken, unconscious, to hospital. He recovered but was off work for three weeks. As a result of his injuries he has been unable to retain a job for very long. Application was made for an award under the Workmens Compensation Act. Every time he went to see the Workmens Compensation Commissioner he was told that the money had not come through.

We took up the case on 3.2.65. The Workmens Compensation Act Commissioner said he would make enquiries. On 9.2.65 we telephoned the Workmens Compensation Act Commissioner who told us there was a trust fund. He had written to Pretoria on 2.12.64 and had then sent a reminder but had heard nothing.

On 8.3.65 we again telephoned the Commissioner who said he felt sure the money had arrived and was in a Trust Fund and that Mr. Biyana should call in to see him. On 11.3.65 the Commissioner informed us that he was attending to the matter and would telephone us as soon as the money arrived.

On 7.4.65, 4.5.65 there was still no money. On 16.9.65 we telephoned the Commissioner. The money had arrived. He wrote to Mr. Biyana on 3.9.65 but Mr. Biyana had not received the letter.

The Commissioner states that the money was sent down originally in 1963. It lay at Department of Bantu Affairs, Observatory unclaimed for 12 months and was then returned to Pretoria. Mr. Biyana states he has never received any information about this whatsoever.

Cases (Cont.)

2. This case received publicity in both the Cape Times and the Cape Argus.

REBECCA THEJANE was born in Ndabeni Location on 12.6.43. Soon afterwards she moved with her parents to Kensington (both these areas are under the City Council). In 1948 they moved to Elsie's River and in 1957 were instructed to move into the Nyanga East Location (both in the Divisional Council area). In 1958 she married a Basuto and has three children by him. He has lived and worked in Stellenbosch since 1953. Being a Basuto he can never qualify to have his wife to live with him.

In 1962 she went to Stellenbosch as Nyanga East told her that her place was with her husband. She stayed three months as her child was ill. The child died and she returned to her parents in Nyanga East.

In 1963 she went to stay at Stellenbosch to look after her husband. On 11.1.63 she was warned to leave Stellenbosch by 14.1.63. On her return to Nyanga East the officials refused to stamp her book.

On 17.5.65 she was arrested and charged with being illegally in the area. The case was remanded to 2.6.65. She was found guilty and advised by the magistrate to go to Stellenbosch. This she did and was given a stamp "preparing to leave the proclaimed area of Stellenbosch by 5.6.65." She states she was told that she and her husband would both be chased away to Basutoland. No one has made any arrangements or applications for her to go to Basutoland.

She appealed against the conviction. The appeal was heard in the Supreme Court on 15.9.65. The appeal was dismissed. The judge said that though there was nothing the court could do, it would be "in accordance with civilized standards and indeed Christian ethics if some way could be found for her to join her husband". Speaking of the "most unfortunate circumstances" experienced by Mrs. Thejane, Mr. Justice van Winsen said she had neither the right to live in Stellenbosch nor in Nyanga East with her parents. "She exists in what I may best describe as a legally created limbo. Unfortunately in law there is nothing more this court can do for her". But there was no reason why the matter could not be dealt with sympathetically at an administrative level.

Mrs. Thejane had spent the first five years of her life in the Proclaimed area of the Cape Peninsula and the rest in the Proclaimed area of the Divisional Council. After 14.1.63 she was not lawfully in the Divisional Council area. Her attorney is endeavouring to find somewhere where she can live legally.

3. Many women who live on "white" farms are refused permission to stay there by the farmer. They have nowhere else to live as in the case of:

NOMAHLAZO BOOI. She was born in Cathcart in 1938. She came to Cape Town in 1939 with her parents and went back to Cathcart after some years. She married in 1959 and lives with her husband on a "white" farm in Cathcart. In January 1964 her husband was dismissed and went to seek work elsewhere. She was told to leave the farm so returned to her qualified parents in Cape Town.

She appealed to Bantu Affairs Commissioner on April 20th 1964 and was given an extension to May and told to leave. In December 1964 she was given an extension to 17th January 1965, and then further extensions until 10th July 1965 when she was told to go home. There is no home for her in Cathcart and she has no relations left there. She was then told that she would be resettled in Kingwilliamstown. On appeal to Langa her case is to be re-investigated. Her mother is willing and able to accommodate her and her three children. She has not heard from her husband and if she is resettled in Kingwilliamstown will have no means of support.

In....

Cases (Cont.)

In parliament during the 1964 session the Deputy Minister of Bantu Administration and Development explained that a woman wishing to join her husband permanently can be allowed into a prescribed area, under Section 10(1)(d) of Urban Areas Act 25 of 1945 as amended by the Bantu Laws Amendment Act 1964, if her husband qualifies to remain in the area and if accommodation is available for the couple in a house of their own in a Bantu Residential area, or as boarders in a house in such an area. We have had very many cases of qualified men applying for their wives to join them permanently but this is generally refused on the grounds that there is no accommodation.

REGINA BEN was born in Port Elizabeth. She came to Cape Town in November 1964 with her employer from Port Elizabeth. She married Norman Hokwana in May 1965 by Christian Rites. Mr. Hokwana was born in Cape Town, went to school at Langa High School and then worked continuously in the Cape area.

They reported to the Registering Officer and on 16th July 1965 she says she was told to return to Port Elizabeth for a permit to transfer to Cape Town. She went to Port Elizabeth and returned with a letter dated 4th August 1965 stating that she had requested a transfer to Cape Town as she is married to Mr. Hokwana (Marriage Certificate No. 351962) and that the Port Elizabeth office have no objection to her vacating their area. This was signed by the Superintendent of the Location in the Walmer Municipality. She presented this letter to the Registering Officer at Nyanga and was told to find accommodation. She told the Registering Officer that she wished to live with her husband, his widowed mother and the three younger children in their house. She says that the Registering Officer told her that only one family could occupy this house. As she had no accommodation other than this she was endorsed out.

On enquiring at Nyanga we were told that it was not a housing problem. He stated that it was not correct that she should have got permission from Port Elizabeth only. She should also have applied to the Bantu Affairs Commissioner here. He suggested that she appeal to the Chief Bantu Affairs Commissioner. We telephoned the Chief Bantu Affairs Commissioner and gave him all the facts. He said he would investigate. He said that if the marriage was legal and the husband was qualified she must be allowed to stay. The Chief Bantu Affairs Commissioner telephoned later to say that he was prepared to see Mr. and Mrs. Hokwana and to tell her to leave the area immediately. They went to the Chief Bantu Affairs Commissioner on 2nd September 1965 but we have not heard what happened.

Regina's parents are both dead, she has a married sister in Port Elizabeth where she was working before coming to Cape Town.

AUDREY SIBISA was born in Cape Town in 1947 and lived with her parents until 1957 when she went to school at Graaf Reinet and lived with an aunt. In 1964 when she had left school and was 17 years old, she returned to live with her mother at Nyanga East.

According to the Divisional Council authorities she entered Nyanga East illegally in the first instance and was marked in illegally by an employee of Council who has since been arrested. She was endorsed out on 16th February 1965 but did not leave the area and married Samson Dungwa in the Dutch Mission Church on 13th August 1965.

Dungwa is qualified under 10(1)(a) to remain in this area as he was born in Athlone in 1937 and has lived and worked here ever since. When he reported his marriage he was told he could no longer live in his parents' house in Nyanga East - and his name was crossed off his parents' rent card - but must ask Langa to house him and his wife as he works in the City Council area. Audrey was again told to leave the area.

They then appealed to Langa who were unable to give him a house as there is a long waiting list. We appealed to the Divisional Council, who investigated the case and then said that as she entered the area illegally she cannot remain here. It would appear that this couple will never be able to live together in this area. As Dungwa has no other home he cannot send his wife to his family - they live here.

Audrey has since been arrested for being illegally in the area and as her book is out of order she may be re-arrested at any moment. Her husband can no longer live with his parents as he was only permitted to do so while he remained unmarried.

If...

Cases (Cont.) - Audrey Sibisa.

If such men have legally married such women will they never be allowed to live together? Where must the wives go since their husbands have no other home to which they can be sent? We should be pleased if this matter could be settled once and for all - in court if necessary.

The plight of widows who are endorsed out on the death of their qualified husbands and not allowed to remain in their homes or to work in this area to maintain their children, is really tragic.

NOMHLEKUDE DALA came to Cape Town in December 1950 a year after she married William Dala. Her husband had been in Cape Town some years prior to this. She stayed here until 1953 and stayed in Cala until 1959 when she returned to Cape Town. They lived in Guguletu in their own brick house with their eight children. In January 1965 Mr. Dala died. Mrs. Dala goes charring to support her family and her rent of R8.05 per month is paid up to date.

On 26th May 1965 she went to the Registering Officer to have her new reference book stamped. She had lost her old book. Her book was stamped "Preparing to leave for Cala by 14.10.65". She was also given a letter to the housing officials who warned her that she could not remain in her house.

She had the right to remain in Cape Town while her husband was alive, in terms of Section 10(1)(c) of the Urban Areas Act as the wife of a man qualified in terms of Section 10(1)(b) of the Act. Now that he is dead she has lost these rights and has to return to Cala, where she has no family at all, and where she will be unable to earn a living.

Unmarried daughters who wish to live with their qualified parents are still being endorsed out.

CONSTANCE MTOMBENI was born in Whittlesea in 1942. She went to school in Whittlesea and after her mother came to Cape Town she lived with her grannie, coming to Cape Town for school holidays. Her father has worked for the same firm for 25 years and he and his wife have their own brick house at Guguletu. She is on their rent card and when she returned each year she reported this to the office. In April 1963 when she returned from school she was given permission to reside with her parents until June 1963.

On August 1965 she was told to prepare to leave the area by 14th August 1965. She was sent to Langa but was told go go "home". Her father then appealed to the Dept. of Bantu Affairs. He was told that she came to care for her mother, not to work. She was given six months extension and told that after this they did not want to see her again, and that she must go "home".

Legally the father is the guardian of an unmarried girl. It would seem to be quite illegal as well as inhuman, to endorse this girl out of this area.

The previous case illustrated how a young girl cannot return to her parents. This illustrates the case of a young man with similar problems.

FRAIZMAN MBONISWA was born in Elsies River in 1946 and was baptised at Nqamakwe as a small boy. He lived at Elsies River with his parents until he had passed Standard 1. He was then sent to Idutywa to live with his grandmother and to attend school there. His parents remained in Cape Town and have their own house in Guguletu, being qualified persons. His father has worked for S.A.R. & H. for 11 years. His brothers and sisters all reside with the parents. Early this year his grandmother died and as he had passed Standard 6 and had no other relations to live with in the Transkei, he returned to his parents.

We have been informed that he cannot stay. He should have applied to his local magistrate for permission to proceed to his parents in Cape Town. He can now either return and try to get a contract job through the local magistrate, or appeal to the Department of Bantu Affairs for permission to stay.

CHRISTINE...

Cases (Contd.)

CHRISTINE MATEBE was born in Cape Town on 15th September 1949, and lives with her parents in Guguletu. She was arrested and appeared in court on her fifteenth birthday charged under Section 15(1)(a)(1) of Act 67/1952 in that she failed or neglected to possess herself of a reference book, having obtained the age of sixteen years. She states she pleaded not guilty, but agreed that she had never had a reference book as she was under age. She was found guilty and sentenced to R10 or a period in gaol (unspecified). Her mother went to the gaol and paid a fine of R8.33 - Christine having served a day or two of her sentence.

Mrs. Matebe applied to Department of Bantu Affairs for a refund of the money as her daughter was under age. She states that she was told she should go to a lawyer.

On 16th October 1964, when Mrs. Matebe reported to this office, she had asked Mr. Kieck at Guguletu whether her daughter could be issued with a reference book or some other form of identification. Mr. Kieck told her that Christine was too young to have a book.

We telephoned Mr. Thorpe at Department of Bantu Affairs who advised to appeal to the Magistrate on his return from leave on 4th November 1964. On 6th November 1964 we wrote to the magistrate - Mr. Joubert - stating the case. On 12th November 1964 we received a reply from Mr. Joubert stating that Christine "pleaded guilty that she never had a reference book". He goes on to say "Her age was assessed as 18 years by the Court from her physical appearance. She was found guilty of contravening Section 15(1)(a)(1) of Act 67 of 1952 in that she failed or neglected to possess herself of a reference book having obtained the age of 16 years. She was in the circumstances guilty and was rightly convicted."

It seems quite wrong, though legally correct, that the Court should have assessed her age by her physical appearance. By making one telephone call to Guguletu her age could have been ascertained. As a juvenile should she have appeared in a juvenile court? Further, her parents were not informed by the police or the court that she had been arrested and sentenced.

We referred this case to Advocate Hamilton Russell who wrote to the Minister of Bantu Affairs on their behalf. The money was eventually refunded.

A number of old-age pensioners who have no relations to care for them in Cape Town have been sent to the Neder Gereformeerde Sending Hospital in Peddie. This is an old-age home. They were sent together and were told that their pensions would be sent to them there. Reports are that the conditions and care are excellent and that they will be allowed to return to Cape Town once a year to visit old friends.

Have had two letters from these people stating that they still have not received their pensions. Have referred the matter to Mrs. Currie, Chairman, Dordor region of the Black Sash, to enquire into the conditions there. Local authorities state that the delay is probably due to transfer of pensions having to be effected through Pretoria - although these men were told that everything had been arranged for them prior to their departure.

DAVID SIGEGE came to Cape Town in 1945 from Cofimvaba. He has been back only once - 1960. His mother lives there with her brother. He visited his brother who works in Standerton in about 1954 and met Jostina Nyembe. She came to Cape Town for short holidays and they had two children, now aged 3 and 10. In 1964 she applied to come to Cape Town and the magistrate in Standerton stamped her book transferring her here.

She and David were married by Christian Rites on 7th April 1964. She lost her book in February 1965 and when she reported the loss was given a paper with permission to visit until 10th May 1965 (FINAL). She could not return to Standerton as there is no room for her. Jostina's mother lives on a White man's farm with her mother. Her mother-in-law in Cofimvaba cannot have her as she is living with her brother.

David applied for permission to have her here permanently, but was refused. On 11th May 1965 they were taken to Langa. Because her husband qualifies and has returned home only once since 1945, and because there is nowhere for her to live, she has been granted an Exemption under Section 10(1)(c).

Cases(Cont)

SOBEKWA FAMILY: In 1949 Isiah Sobekwa was injured on the mines in Johannesburg and partially lost the use of his hands. He and his wife came to Cape Town and have lived here ever since. He has made a bare living as a herbalist but his children have also helped to support him. He has never had compensation from the Mines or a Disability Grant. Through trying to obtain the latter for her husband Evelyn drew attention to the fact that as early as 1957 there had been talk of repatriating the family. After several interviews with us, Department of Bantu Affairs, Observatory, and officials at Nyanga East, they were both arrested. We immediately telephoned the police who arranged for them to be released on their own recognisances. Mr. Dallas agreed to defend them but they were eventually found guilty of being illegally in the area and sentenced on 30th March 1965 to R15 or 30 days each.

The court decided that Mr. Sobekwa had been away for over a year in 1957 and thereafter did not qualify to remain in the area. He denies this but says he took out a reference book only in 1957. A removal order was served on them and they were informed that on completing their sentences they would be sent to Cofimvaba, where Mr. Sobekwa was born, under police escort. The family, consisting of eight children - the eldest of whom, Emily, has five children, the youngest only one month old - were told that they would have to leave their home in Nyanga East. Two of the boys have been allowed to remain and to work in the area, but four girls (two of them adult and able to help support parents - as well as supporting themselves - here in Cape Town were told to go to Cofimvaba together with Emily's five children.

None of them had ever been there before and the prospect of work up there was nil. We wrote to the Bantu Affairs Department and they arranged free transport for the whole family to Cofimvaba. We also asked them to arrange for a disability grant for Mr. Sobekwa, for maintenance for the four adults and seven children who will be almost destitute and asked for a home to be provided for them in Cofimvaba. On the 27th April the family were issued with Rail Warrants, food, a letter to the magistrate at Cofimvaba and were instructed to board the train on the 28th April 1965 by the Department of Bantu Affairs. They had not been told when their parents would be sent by van from the gaol to collect their belongings.

We telephoned the S.A.R. & H. and were told that there was no train on the 28th - only one on the 29th. We telephoned the Department of Bantu Affairs and reported that the family could not leave as instructed on the 28th.

Langa gaol to which the parents were moved had no instructions on the morning of the 29th about their departure or the collection of their belongings. Department of Bantu Affairs promised to keep us informed during the day, but failed to do so. On 30th April 1965 we telephoned Langa gaol and were informed that they had all left the previous evening.

Their uncle in Cofimvaba had written to them to say that he could not accommodate them and that the headman did not want them. On the 3rd June, this office received a letter from Mr. Sobekwa written on the 28th May, which reads as follows:-

"Mr. H. Checkers,
Tefeni Store,
Cofimvaba.

Mrs. Sparks,
Black Sesh,
ATHLONE. C.T.

Dear Madam,

My journey was safe and sound here to Cofimvaba. As Mr. Skippers sent me here to Mrs. Winnfred Sobekwa, she says now I must return back to Cape Town because she is struggling very bad. Mrs. Sparks, we are struggling here and our children are starving very bad. There in No. 3029 Location

Dutch Location
Nyanga East

that is our place to live.

Here from Cofimvaba Post Office they send the message which Mrs. Winnfred said there to Cape Town.

The reply from Cofimvaba Post Office said is coming from you, and there was no reply from Mr. Skippers.

We...

Cases (Cont.) - Letter from Mr. Sobekwa:

We are here just for nothing Madam. Please Mrs. Sparks try by all means to be back again. We are struggling here no food, no water, and winter is starting though blankets are scarce and Mrs. Winnfred is struggling too. Mrs. Evelihna is besides me.

Thanks Madam,

I am,
Yours faithfully,
(Sgd) MTSHAKA SOBEKWA."

A contact of ours visited the Sobekwa family. She has arranged through the local mine recruiting corporation to look into the matter of a disability pension from the mines for Mr. Sobekwa. She has also helped them to apply for a disability grant or a maintenance grant through the local magistrate.

This case was reported in the Cape Times on 13.3.65.

VIRGINIA NTIKINCA came to Cape Town in 1952. She worked in Cape Town to support herself and her child as she has not lived with her husband since that date. He is a chronic T.B. case in a Johannesburg hospital. She has other children and applied to Langa for permission to take them to the Transkei for schooling. She left her employer, for whom she had worked for nine years and with the knowledge of the Langa Registering Officer she proceeded to the Transkei. She was told that she should apply through her local magistrate for permission to return and was given a stamp in her book - "Permission to take the children to Transkei", dated 22.1.64 and valid to 22.11.64.

These dates, however, were put in the wrong way round. In November 1964 she applied for permission to return but received no reply. In desperation, realising that a year had lapsed she returned to Cape Town on 1.2.65 exactly one year and nine days later.

On reporting to the Registering Officer, Langa, she was endorsed out to leave area by 16.2.65. We referred her to Registering Officer, Langa, on 9.2.65, but she was told again to go home and get a permit from the magistrate if she wished to visit the area.

We then took her to Langa where she was given an extension of one month to collect her goods. She tried to obey the law, but fell foul of it because the Department delayed sending her permission to return.

She now has to return to Mount Frere to live with her mother who has a large family and where she will be unable to earn to support her children.

The official agreed that there was very little chance of her being allowed to seek or accept work in any urban area. Since March 1959 women have not been allowed to enter many urban areas for the purpose of work. Temporary permits to visit their husbands or relatives in these areas may be granted but not permits to work.

On 23.9.65 we received a letter from Virginia Ntकिनca asking for assistance. She states that in April when she left the Cape she reported to the Bantu Affairs Commissioner in Mount Frere. She had been informed by Langa that the magistrate at Mount Frere had stated that she must return to her mother in Mount Frere, but on arrival was told that he knew nothing about this. He has written twice to Cape Town but has had no reply. On 17.9.65 the Bantu Affairs Commissioner telephoned the Minister of the Interior at Umtata who said he would report the matter to the Minister of Justice in Cape Town.

She was also advised to try and find a job in Cape Town and that the magistrate would apply for a permit for her. She wishes to return to a former employer. She states her children are starving. She also applied for a scholarship for her eldest child who is in Standard VI but this was turned down. She hopes to return to Cape Town to support her family, but under the present law she will never be allowed to do this.

R. A. Kell