THE BLACK SASH - CAPE WESTERN REGION.

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

ANNUAL REPORT FROM 1st OCTOBER 1966 to 30TH SEPTEMBER 1967.

Number of Interviews: If career was and the beings enew AMAMAS . SAM SMA . SM

Men endorsed out 282
Women endorsed out 223
Miscellaneous 450
Old cases returned 1,183

Total of abeat bus, of of to mittel 2,138 at bilde end bos (like 1 to egs) end in a rod

Average per month - 178. Diana you sait test at messeal seas month colleged of a stally releged

We have over 10,800 cases on our files.

1. WORKERS: 1 Organiser.

2 Full-time Interpreters.

l Interpreter twice a week from Institute of Race Relations

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2. VISITORS: 23 South Africa. of tendors out for behanded evab out to be

29 others.

3. Although the figures show that we have only had 223 cases of women endorsed out, these apply only to new cases. A large number of our old cases have been endorsed out recently. Some of them have been here for much longer than 15 years, but did not register within 72 hours of 24th June 1952. We have yet to meet a woman who did register at that time. They all seem to have registered late in 1953 or early in 1954 and therefore technically do not qualify in terms of Section 10(1)(b) of Act 25 of 1945. Only those who qualify under Section 10(1)(a) or (c) are being allowed to remain. Those under 10(1)(c) lose this qualification if (a) the woman is widowed; (b) a daughter marries; (c) a son reaches tax-paying age.

If the woman endorsed out is a widow, she has usually been the breadwinner since her husband's death and has to return to the Transkei or Ciskei where the possibility of her obtaining employment is remote. She loses her house in the location, her children lose any rights to which they might be entitled by virtue of birth in this area, by leaving the area with their mother and remaining away over a year. They also have to leave school in the middle of their school career.

the western Cope during 1955. Now that only contract labourers may come to the

ELIZABETH DYANTYI: Elizabeth was given notice to vacate her house in Nyanga East which was rented in her name and of which the rent was fully paid up, and endorsed out of the Divisional Council area in August 1967. She first came here in 1944 and maintains that an official at Nyanga confirmed that she registered at Langa in 1949 but it has proved impossible to verify this, unless she is arrested and her Langa record has to be produced in court. She married in 1945 by Church Rites a man who assaulted her very seriously in 1963 and finally deserted her in 1965 since when she has been trying to locate him in order to complete divorce proceedings started in 1965. Although she has supported her four living children eight have died - since 1963 and has had no help from her husband whatever, he now says he wants her back at Cala. She has re-started divorce proceedings against him but has been refused permission to accept work offered or to remain in the area in spite of her 23 years continuous residence in the Divisional Council area of Cape Town.

Two of us took her out to the Registering Officer at Nyanga to try to establish the date on which she first registered, which is vital if she is to prove 15 years continuous legal residence, so that she may qualify in her own right under Section 10(1(b)...

and (d)

Section 10(1)(b)/of Act 25 of 1945, but the officials there refuse to see us. Until we can confirm her date of registration we can do nothing to help her except arrange for her defence if she is arrested.

MR. AND MRS. BAKANA: were married in Lady Frere by Christian Rites in 1944. From 1946 they lived together in Paarl where he had been working since 1942. In 1958 the husband was transferred by his firm to Cape Town. His wife and five children followed him to Cape Town where they lived in a pondok in Guguletu. The wife was given extensions until 30th October 1966 when a final decision endorsed her back to Lady Frere where her husband's stepmother lived with her own children. As the Bakanas have lived together continuously for twenty years, all their children were born in the Cape (at Paarl) and one child is the victim of Polio and needs to pay regular visits to the Guguletu Clinic for treatment and the fitting of special boots. Information from East London is that the boy could not attend clinics at Lady Frere and that though Cripple Care cases can be attended to at the Hospital and his fare can be paid, it is likely to be a lengthy matter of red tape before this could be arranged.

The case was referred to Mrs. Suzman who approached the Minister of Bantu Administration and Development after Miriam had been told she must go home. Mirriam was summoned to appear in the Bantu Affairs Court at Observatory where Mr. Dallas defended her by pleading mitigating circumstances. Miriam was sentenced to R5 or five days suspended for two months to allow her to make arrangements to leave the area.

A final letter from the Minister of Bantu Administration and Development stated that after investigation the authorities had decided that Mrs. Bakana and her five children would have to leave for Lady Frere as the husband had come to Cape Town only in 1959. A union of twenty years continuous family life is thus broken and five children removed from their only known environment to a strange one in the Transkei, because neither of the Bakanas qualify under Section 10(1) of Act 25/1945 since they spent the first 12 years of their married life in Paarl and the next nine in Cape Town, thus not completing 15 years continuous residence in either town.

4. CONTRACT LABOUR:

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No African male may come to Cape Town to look for work, or accept work offered, except under contract for one year which may not be renewed at the end of the period. No women may come to Cape Town except for a short visit. During 1965 29,526 men and no women were recruited to the Western Cape as contract labourers (Hansard). There were 25,039 families and 131,414 single contract labourers in the Western Cape during 1965. Now that only contract labourers may come to the Western Cape and many who have worked here for many years but do not qualify, for one reason or another, under Section 10(1)(b) of Act 25/1945 are being endorsed out on completion of a job, the proportion of contract workers to permanent ones is steadily increasing as is the alarming increase in the ratio of men to women. Erns aren eciso Jan

In Langa today it is estimated that there are approximately 33,000 Africans living there of whom 1,787 are men living with their families and approximately 24,550 so-called bachelor migrant workers. The proportion of men to women in Langa is therefore 26,232 to 2,543 which is more than 10 to 1. This proportion is likely to increase steadily and seems to us to be a very unhealthy situation considering that there are 4,439 children in Langa, over half of them girls and many of them teenage girls. " The Bearing arts to bested a ar and ade: Complia

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The way in which these so-called bachelors - 68% of them married - are housed leaves much to be desired and conditions are unlikely to improve fast enough to keep up with the increase of male migrant workers.

"deliderite of gut of space of season as the restaurant and to the ten me in the dress, converg of all eds if forth at Holfst, bergislers, farily ade dotes on each one The population of Guguletu which is 46,000 is much better balanced, having 2,282 migrants, 7,675 male permanent workers and 9.431 women - almost balanced.

5. FREEXING OF NUMBER OF CONTRACT WORKERS:

On 15th November 1966 a statement in the Cape Times by Mr. J. M. Earle, Precident of Parow Chamber of Commence and Industries, announced that owing to lack of accommodation in the townships, the introduction of new contract workers was frozen as from 1st September 1966. The City Council had 26,000 contract workers in the area and only 20,000 beds available; the Divisional Council 6,000 and 3,000 beds.

After consultation it was decided that certain large firms who employ a great number of contract workers would be allowed to erect approved accommodation in the townships for their own workers. It was also reported that Dock workers had been allowed in and were being accommodated in the Docks.

6. FREEZING OF NUMBER OF AFRICAN EMPLOYEES:

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In January 1967 it was announced that only those persons who had Africans in their employ on August 31st 1966 and were registered as so doing would be allowed to engage new African workers. Also that the complement of Africans in each specific firm or household was frozen as at 31st August 1966.

Another announcement stated that employers of Africans are expected to reduce their African labour force by 5% each year. However, according to the S.A.B.C., after consultations between the Chief Bantu Affairs Commissioner and the Federated Chamber of Industry and Commerce, the Chief Bantu Affairs Commissioner stated that the 5% cut would not be enforced if Industry promised that Coloured workers would be given preference.

A number of employers, especially housewives, have been affected by the erforcement of the 31st August 1966 freeze. If they did not have an African employee registered on August 31st 1966, or had not advertised a vacancy at that date, they are now not allowed to employ an African. If, however, they had an African employee on that date, they must still make application to the Department of Labour for a certificate entitling them to employ an African. This certificate is only issued if Coloured labour is unobtainable. Those who did not employ African domestic servants on 31st August 1966 have first to obtain a certificate of clearance from Department of Labour and then must appeal to Commissioner of Bantu Affairs for permission to employ an African.

7. RESERVATION OF CERTAIN CATEGORIES OF EMPLOYMENT FOR QUALIFIED MEN:

A Government directive has been issued stating that the categories of labour for which new applications for African Contract labour will not be entertained by the Department of Bantu Affairs are:-

Vehicle drivers, room sweepers and cleaners
Domestic servants, gardeners,
Newspaper sellers, ice-cream sellers,
Stable boys and grooms,
Delivery men (including milkmen).
Petrol-pump attendants.
Clerks, timekeepers and packers.

Only men who qualify under Section 10(1)(a) or (b) of Act 25/1945 as amended will be allowed to take up jobs in these categories. It is reported that men who are in the area under 10(1)(d) of the Act are being refused permission to take jobs in these categories and have to leave the area to return as contract workers in other categories. They are not allowed to change their jobs in any category and are endersed out within a few days of leaving their employment, even if they have worked legally continuously in the area for fourteen years or nine years with one employer.

In order to try to prevent this from happening we distributed a pamphlet written by a Xhosa in Xhosa warning men not to leave one job until they are quite sure that they qualify under Section 10(1)(a) or (b) Act 25/1945 and will therefore be allowed to take up a new job.

EXAMPLE:

LION SONDLO: who came from Lady Frere in 1958 and was employed by a Dairy, lost his job through a disagreement with his boss on 27th July 1967. On the same day he went to report to Langa whereupon he was endorsed out. On 31st July 1967 his boss took him to Langa himself as he wanted to re-employ Lion regretting that he had discharged him after nine years service. Permission to do this was refused. Lion reported to this office on 3rd August 1967 and was sent to Bantu Affairs Department with an offer of re-employment from his employer. He went to and fro between Bentu Affairs Department and Langa until 23rd August 1967, and was given an extension to 5th September 1967. He has a wife and family at Lady Frere to support.

Bantu Affairs Department states that he must return home and be recruited under Contract to his former dairy employer. Langa said he may not be contracted by the dairy as applications in this category will not be considered.

According to Section 28(1)(0) of Act 67 of 1967 an employee may not be "refused permission to re-enter an area after an absence therefrom of not more than 12 months for the purpose of taking up employment, if a vacancy exists with the employer by whom such Bantu was last employed in such area before leaving such area".

A letter was written to the Town Clerk to clarify the position and the office received a reply stating that "this Bantu must return to his home and the employer must apply for permission to introduce him on 12 month's contract.

Lion has now returned to Lady Frere at his own expense to await recruitment as a contract labourer. He has lost all chance of acquiring exemption under Section 10(1)(b) of the Urban Areas Act and will never again be allowed to work in Cape Town save as a contract worker on one year's, non-renewable, contract.

8. DIVISIONAL COUNCIL NOTICE TO EMPLOYERS OF CONTRACT LABOUR:

"THE DIVISIONAL COUNCIL OF THE CAPE.

Bantu Administration, NYANGA.

Sir/Madam.

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CONTRACT LABOUR IN WESTERN CAPE. EXTENSION OF CONTRACTS.

It is desired to bring to your notice that the Ministry, through the Office of the Chief Bantu Affairs Commissioner of the Western Cape has instructed that in future the service contracts of recruited Bantu Labour will be strictly limited to a maximum period of 12 months. This will include all contracts entered into as from 1st August 1967. That is to say that no applications for extensions of such contracts beyond twelve months will be entertained.

Further employers making application to recruit labour (Form BA 403) may no longer generally request the recruitment of specific Bantu by name, unless such Bantu has/have previously been in the employ of that employer.

Yours faithfully, ni eventow toerings as Armter of some

MUNICIPAL LABOUR OFFICER."

-... This...

This will make it impossible for the sons of families living in Cape Town who have been refused permission to rejoin their families after completing their education in the Transkei, from persuading a firm to make a request specifically for them. In the past it has sometimes been possible for a boy to obtain a contract job for one year in the area where his parents live permanently in this way.

9. HOUSING:

In the Cape Town Municipal area houses are only being allocated to male heads of African families. Widows, divorcees and deserted wives, with or without families, are not allowed to be householders even if they qualify in their own right under Section 10(1)(a) or (b) of Act 25/1945. They can, however, apply for the house to be in their son's name if he is of age and qualifies to be in the area, is profitably employed and appears to be a responsible tenent.

10. EVICTIONS:

All tenants in Langa and Guguletu sign an agreement (a) to pay their rent before the 7th day of the month in advance; (b) not to keep chickens or other livestock; (c) not to make any alterations or additions to the property without written permission. Failure to keep any of these agreements can lead to eviction at the end of the month even if the rent is paid soon after the 7th. Failure to pay rent promptly aften leads to the discovery that the tenants do not for one reason or another qualify to be permanently housed.

We have had six cases of families evicted from temporary houses in N.Y.1, 5, and 6.Guguletu at very short ultice, rent having been paid and accepted up to that date. These families are all people legally in the area, some of them qualified people, but who apparently do not qualify for re-housing in permanent houses. They were told to find lodgings for themselves and have been quite unable to find anyone prepared to take in large families with luggage and furniture.

EXAMPLES: -

1. In May MIRRIAM SIVAMBJONO was found sitting crying outside L.510, N.Y.1. surrounded by piles of luggage and furniture. Her rent was paid up to date, but she, her son and daughter were evicted on Wednesday May 24th and told to find lodgings. Her reference book was in order and she said she had been here for many years and that her daughter was born here 21 years ago.

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- 2. JULIA BEVU came to Cape Town in 1940 and was married by Civil Rites in 1955 at Salt River to JOSEPH BEVIN who is a qualified man. She has a stamp in her reference book saying that she qualifies under Section 10(1)(c) Act 25/45 to reside in the Cape Town Municipal area. She has three children born in Cape Town. She and her husband were moved to a temporary hut in Guguletu in 1949 from Windermere from which they have been ordered to move by 31st May. They have been told to find lodgings for the five of them and all their furniture in an area where, the authorities tell us, there is no available accommodation.
- The residents of Guguletu and Langa have been told that they may improve 11. their rented dwellings by additions or extensions provided they apply for written permission to do so. fince their position is so precarious with regard to endorsement out it seems unlikely that many will risk spending money on permanent improvements to rented properties. A much better idea is the Council's proposed scheme to erect garages at a cost of R350 and to let these out at R3.50 per month, and bathrooms at s cost of R200, the rent of which is not mentioned. Residents who are interested in having these facilities provided at their homes are invited to submit written applications which will be referred to the City Council in due course. It was decided that installation of electricity could not be carried out in all dwellings but that residents could avail themselves of the Council's assisted wiring scheme and have the electricity installed at their own cost. Here again me cannot expect tenants to pay for the installation of electricity in a renter house. a were successful and two were displaced.

12. YOUNG PEOPLE IN TROUBLE:

We have had several cases of boys and girls in trouble with the law of which the following are a fair sample. Without our help the youngsters concerned in the two successful cases might have never been able to straighten themselves out as regards Influx Control regulations.

EXAMPLE 1:-

SAMUEL TASSI: Samuel was born in Cape Town in 1947 and went to school in Nyanga East from 1959 to 1963. His complaint when he called at this office was that he had applied for a reference book, paid R2.60 and that when it should have arrived he was informed that he would have to pay R7.

On enquiry at the Department of Bantu Affairs it was found that he had applied for a reference book in June 1966. He lost his paper which stated he had applied for a reference book. He then applied again this year and in his ignorance stated it was a "first application". He did not understand this question and thought it was a question as to whether he had ever had a book. Authorities in Pretoria said he had made a false application as a book had already been issued to him.

We saw an official at Department of Bantu Affairs who explained that he had committed a serious offence but agreed to drop the case and to start a third application for a book, but that he was to go to Nyanga East to get the necessary forms.

His attorney telephoned Nyanga East the following day to explain the situation but in spite of this they arrested Mr. Tassi. His attorney pointed out that he could not be arrested as he had a covering note from Department of Banta Affairs. His attorney then telephoned the Superintendent of Nyanga East who promised to fix everything up. Subsequently the attorney had an apology by telephone from the official who issued him with the necessary papers.

Mr. Tassi now has a pink paper "awaiting a reference book". He has to report to Nyanga East to get it stamped and then apply for a job.

It is a serious offence to make a second application for a reference book and call it a first application even if a reference book has never been handed to the applicant.

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EXAMPLE 2:

ITALIA JACK:- Italia aged 18 is the unmarried daughter of a widowed mother, who has lived in Cape Town since 1940 and has a"10(1)(b)" exemption stamp in her book. Italia came to join her mother from Engcobo in January 1965, when her grandmother, with whom she was living, died. Her mother applied for a resident's permit for her, which was refused. Italia was arrested on 15th June 1967 and defended in court on 29th June, 1967, when the case was withdrawn by the prosecutor, as he concedes that she qualifies under Section 10(1)(c) of the Urban Areas Act as the unmarried daughter of a qualified woman. She was taken to Langa next day in order to apply for a reference book.

After 30 months of illegal residence trying to evade the police Italia is happy to be legally allowed to live with her mother. However, if she marries she will no longer qualify to remain here.

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13. LEGAL CASES:

Since officials administering the legislation controlling the influx of Africans into urban areas seem to have little or no discretionary power, we have been forced more and more to resort to the courts in order to establish whether or not an African in trouble is legally entitled to remain in the area, accept employment offered, or return to his previous employer. Our attorney defended 32 of our cases in the Bantu Commissioner's court and in four of these cases he appealed against the judgment to the Supreme Court. Two of these appeals were successful and two were dismissed. Permission to take one of these...

of these to the Appeal Court was refused but on petitioning the latter we were given permission to take it to Bloemfontein Appeal court. Possibly the reason for the withdrawal of seven of the nine cases withdrawn by the Prosecutor in the Bantu Commissioner's court may have been based on judgment given in the two successful Supreme court cases.

SUPREME COURT CASES:

APPEALS: ALLOWED:

Enid Mjakuca Christine Nqwandi.

ENID MJAKUCA: This case first came to the office in 1963 when Enid had been told that her pondokkie was to be demolished. She first came to Cape Town in 1942, but only registered in 1954. At that time her husband did not qualify. He only did so on 23rd October 1966. Mrs. Mjakuca's only relatives in the Reserves were her husband's parents at Fort Beaufort, who refused to accept her as "she is not a proper Xhosa and does not speak the language properly as she was born at Graaf Reinet." After many visits and letters to officials, our attorney appealed to the Commissioner for Bantu Affairs in January 1966 on her behalf, and the appeal was upheld.

In March 1966 the Commissioner for Bantu Affairs advised our attorney as follows:"That Mr. Mjakuca has a kraal site in Fort Beaufort and that he intends taking his
wife there on his annual leave. Apparently he is at present in hospital, and it
has been decided by the Commissioner that Mrs. Mjakuca may remain here until such
time as he is discharged from hospital."

Mrs. Mjakuca was then given various extensions until October 1966. She was arrested in January 1967 and defended by our attorney. She was found guilty of being illegally in the area, and an appeal was lodged. This was upheld in the Supreme Court, on the grounds that she was the legal wife of a qualified man with whom she had normally resided. Evidence that she was not entitled to live with her husband as she had not been given permission by the City Council was rejected.

CHRISTINE NOWANDI: Christine came to Cape Town to marry SEPO JELASHE who has been in Cape Town since the age of two) in January 1965. She had no permission to come to Cape Town so returned to the Transkei, obtained a permit and came back to Cape Town, to live with Mr. Jelashe who has a house in Guguletu, registered in his name, which he shares with his mother. Christine was endorsed out on 1st March 1965. Through an attorney she appealed to the Commissioner of Bantu Affairs Department but her appeal was not successful. She was arrested on 26th October 1966, defended and found guilty of being in the proclaimed area without permission although the Magistrate accepted that her husband is a qualified man. Her attorney appealed to the Supreme Court, against the Magistrate's decision.

On 11th May 1956 the Judge allowed her appeal. He states that to satisfy the provisions of Section 10(1)(c) "the accused is not required to prove that she has permission to remain in the area but merely:-

- (1) That she is the wife of a Bantu mentioned in Paragraph (a) or (b) of the subsection (Section 10(1) of Urban Areas Act 25/1945).
- (2) That she lawfully entered the prescribed area, and
- (3) that she ordinarily resides with her husband in the area.

He also stated that in the State vs. Maphele case 1963 it was decided that the expression "ordinarily resides" refers to a lawful residence which is not terminable at any moment.

The conviction and sentences are set aside.

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On 23rd May 1967 Mrs. Jelashe was given a permit entitling her to one year's residence. She had lost her reference book but Langa refused to give her the necessary forms to apply for a new one. This matter is now being dealt with by her attorney.

APPEALS DISMISSED:

Philda Mlisa
Mary Xala (appeal to Appellate Division Pending)

PHILDA MLISA: Philds came to Cape Town in 1960 and went back to the Transkei from 1962 to 1965. She returned with permission to live in Simon's Town with her husband on 15th July 1965. In September 1965 they were removed to Guguletu where they were given a brick house.

They laid a cement path to the front door, had inside doors put in, laid linoleum and prepared to spendtheir lives together in Guguletu, because her husband has been here legally since 1949 and therefore qualifies under Section 10(1)(b) of Urban Areas Act.

In July 1966 they were told to vacate their house and she was told to return to Mount Frere. Her husband has a brother there but no land or house of his own.

We helped her to make an appeal against this decision to the Commissioner for Bantu Affairs, but it was dismissed.

She was arrested on 20th October 1966, defended and found guilty of being in the area illegally, fined R20 or 60 days suspended on condition that she left the area within 21 days. The State accepted that her husband qualified and that she was his legal wife but that she was not ordinarily resident with him in terms of the Act as she only received permission to visit her husband, and that the various extensions which she had been given did not in any way give her the right to reside with him on a permanent basis. She appealed to the Supreme Court against this judgment on 23rd March 1967. Her appeal was dismissed. She will have to leave Cape Town and reside with her brother-in-law in Mount Frere.

(Sub judice - not to be published):-

...R. 13000.

MARY XALA: Mary was found guilty of being illegally in the area under Section 10(4) of Act 25/1945 read with Section 10(1) and Section 44 of the same Act and fined R10 or 30 days. She appealed to the Supreme Court but her appeal was not upheld.

In 1945 Mary came to Paarl from Tsomo in the Transkei where she was born. Later in the year she came to Cape Town, met her husband and married. They lived together in Cape Town from 1945 to 1952 when they moved to Suguletu where he died in 1964.

In June 1965 Mary visited her sick mother in Tsomo, leaving her four children and all her furniture and belongings in her house in Guguletu, taking only one small suitcase with her. Her stay, intended to be short, lasted 14 months, because she became ill herself. When she returned to Cape Town she was endorsed out on the grounds that she had been away for more than 12 months. Later, because she did not go, she was charged with being illegally in the area.

The Magistrate found that her absence for over 12 months was not a reason for cancelling her qualification under Section 10(1)(b) Act 25/1945, as her intention had not been to leave the area permanently, as her family and property remained in Guguletu. However, he challenged her qualification because although she had resided in Cape Town from 1945 until she went away in 1965 she only registered in 1954, so that her presence in Cape Town between 1952 and 1954 was illegal until that date.

She has now appealed to the Bloemfontein appeal court on the grounds that she qualifies to be in the Cape Town area under Section 10(1)(b) of Act 25/1945, since she has resided continuously in Cape Town since 1945 and registered at Langa immediately she was required to do so and obtained permission to remain in that.

This case is exceedingly important since no women anywhere in South Africa registered before 1954 - in many towns such as Johannesburg it was even later. Thus, at present, no women in Cape Town qualify to remain here unless they were born here and have lived here ever since, or are married to men who themselves qualify and ordinarily reside with them. Hundreds of women are anxiously awaiting the outcome of this appeal.

Magistrate ...

MAGISTRATE COURT CASES:

Won: Nil.

sencenced to RS of 10 days for defectng her reference books Withdrawn by Prosecutor:-

Italia Jack 10(1)(c) Agnes Tyalibongo 10(1)(c) Patrick Magyana (allowed to stay with mother) Japan Mohobololo

Hilda Pupuma 10(1)(c)
Frances Patu 10(1)(c) Elliot Vumasonke 10(1)(a) Angelina Petersen 10(1)(c) Euginia Matyila 10(1)(c)

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allowed to remain with his mother.

ALLOWED: - Philip Gwagighe. And lo alloved to remin with qu

She entered the eres in 1958s. Because her bushand peys

PRINCE HARTII: was convicted Bodan Section 10 of Act 25/194 RLZ or 35 days suspended if she leaves the eres within 31 days

EXAMPLE:

EUGINIA MATYILA: Euginia came here, without permission in March 1966, to visit her fiance. Permission was later obtained and she was given various extensions. She and Mr. Kenneth Skweyiya were married at Langa on January 23rd 1967. He is a householder in Guguletu and a qualified man. He appealed to the Commissioner for Bantu Affairs for Permission for his wife to reside with him permanently, as the Registering Officer at Langa said he could not give this permission. The appeal was turned down. Mrs. Matyila was arrested on 19th June 1967, appeared in court on 20th June 1967. The case was remanded to 6th July; 1967, when the prosecutor withdrew the case. She has been given a year's extension, but not a 10(1)(c) exemption stamp, to which she is legally entitled.

LOST:

de Bipo

(Those taken on appeal do not appear in this list).

Not registered 1952. Elsie Mlambo. CHESTINGIO James Nakuphi. Gap of 2 years not proved. Miriam Bakana. Miriam Dlakula. Husband registered September 1952. Theorah Mantyi. Not ordinarily resident. - ine facino senea Nolifisi Nopoto, Husband deserted - Lost 10(1)(c) Nompukane Dondusbe. Displaced - to be resettled by Bantu Affairs Dept. Abigail Tamba - Appeal to Supreme Court noted. Marta Adonis. Bessie Mgadlana. Not registered 1952. Agnes Ngambu. Not registered 1952. Richard Thabatha. Gap from 1956 - 1960. Irene Njaga. Not registered 1952.

EXAMPLE 1:-

1. 131

JAMES MAKUPHI: came into Cape Town in 1949 and has worked here ever since. He lost his job and was endoreed out on 30th April 1962. On reporting to Langa Janes was told to produce proof that he was in the area between 1951 and 1954 as he was not registered at this time. He obtained a letter that he was employed by Michelsens Ltd. from 1951 to 1956.

The Department of Bantu Affairs would not reverse their decision to endorse him out. James was arrested on 1st May 1967 and had to appear on 25th May 1967. The casewas postponed to 31st August 1967 as the State wanted to call Mr. van Zyl of Bantu Affairs Department as witness. John and As adagagait, Jose Statistics

The case came up on 6th September 1967 and there was a gap of one year on the records during which time James was unable to satisfy the Magistrate that he was lawfully in Cape Town with permission. His witness was unreliable. The firm he worked for had no records for that period. James was given a suspended sentence for 31 days provided he leaves the area within that period.

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EXAMPLE 2:-

THEORAH MANTYI: was convicted under Section 10 of Act 25/1945 and sentenced to R12 or 35 days suspended if she leaves the area within 31 days. She was also sentenced to R3 or 10 days for defacing her reference book. Her husband qualifies. She entered the area in 1958. Because her husband pays rent in the zones, and she resides in lodgings, it was ruled that she did not ordinarily reside with him. She could only qualify if she and her legal husband lived together with permission. As the officials will not give them this permission, she must leave the area.

APPEALS TO CHIEF BANTU AFFAIRS COMMISSIONER:

ALLOWED: - Philip Gwentshe. Aged 16 allowed to remain with qualified mother.

LINDILE PHILIP GWENTSHE was born in King Williamstown in 1948, and grew up with his grandmother in Tsomo. She died in November 1964. In June 1965 he came to join his mother, Angelina Nonkonyana, in Cape Town. His mother has been in Cape Town continuously since 1947 and lives in her own brick house in Guguletu. The Registering Officer at Langa informed Angelina that the boy could not remain with her, but must go to her sister in Tsomo. Angelina claimed, however, that Philip had stayed with his aunt (after his grandmother had died) where he had been very unhappy. Furthermore the sister had neglected to apply for a reference book for him when he turned 16 and that her sister's husband flatly refused to have the boy living with them. She also pointed out that she was qualified in every sense to care for and guide her young son. The matter was referred to our attorney, who appealed on the grounds that, as Philip was under tax-paying age he should be allowed to remain with his mother. On 12th January 1966 we were informed by our attorney that the Chief Bantu Affairs Commissioner has allowed the boy to remain with his mother in Guguletu, and to take up local employment.

DISMISSED:

Offecia Bossie - born here - away 5 years - must return on contract.

Noviko Getyese. Husband cannot prove qualification under 10(1)(b).

Agnes Gqibeleni - not ordinarily residing.

Evelyn Mangco. Husband lost qualification under 10(1)(b) Act 25/1945

because sentenced to three years.

Mina Meme. Given exemption and then cancelled.

Agnes Kapa - born in Cape Town but husband wants her in Transkei.

Monarch Mnyombolo - Sentenced to 9 months. Born in Cape Town.

Emily Yekani -(will defend) not registered in 1952.

Orippa Ntleko -(will defend) away over a year but husband qualifies.

Julia Mgada - (will defend) 10(1)(c).

Lillian Ngonyana - widow.

EXAMPLE:

ZODNA EMILY YEKANI: - Emily was born in Victoria West in 1930. She came to Cape Town in April 1949 when she was 19 years old. When she first came to this office, on 2nd December 1965, she was living with her mother, together with her three children, her brother and sisters and their respective families - a total of seven adults and nine children in one house. She had applied for a house and been refused on the grounds that she had not been here long enough. At the same time her employer at Muizenberg had applied for permission for Emily to work for her. This permission was refused and Emily was told that she must return to Victoria West, in spite of the fact that she had an extension until 8th July 1966.

She then set about collecting proof of her residence in Cape Town since 1949, and produced the following:-

- 1. A letter from a Mrs. I. Meinking stating that she had employed Emily for three years from 1949 1951.
- 2. A letter from a Mrs. Landsdowne stating that she had employed Emily's mother for many years and had known Emily herself during the critical period in question.
- 3. Birth Certificates for three children dated 1954, 1960 and 1962.

It was then decided that although Emily had first registered only in 1955, she had sufficient proof of her continued residence here in Cape Town since 1949 and that there were strong grounds for an appeal to the Bantu Affairs Commissioner. Her attorney duly appealed on the 17th June 1966, but her appealwas dismissed and her book was endorsed, "preparing to leave area by 27.1.67". This was because although she had proof of her residence in Cape Town since 1949 she had not registered within 72 hours of June 24th 1952.

APPEALS TO NYANGA EAST: -

Alfred Gaga - dismissed.

Elizabeth Dyanti - Pending. Ntokeko Cityewe - pending.

MISCELLANEOUS LEGAL CASES:-

Alfred Ngotole - Contract worker - re-employed.

Sylvia Ntlanganiso - extension obtained on medical grounds.

Gertrude Magaga - given Extension to May 1958 - is 10(1)(c).

Lizzajane Tongo - given Extension to May 1968 - is 10(1)(c).

EXAMPLE:

GERTRUDE MAGAGA was born in Tsomo in 1937 and was married there in 1954. Her husband was employed at Simon's Town Dockyard - he started with them in 1953 - and she came to Cape Town to join him in 1956 but returned to Tsomo from 1958 to 1965.

In 1965 she returned to CapeTown with permission, and lived with him in his house at Guguletu. He was still working at Simon's Town Dockyard and was by this time a qualified man.

She was given several extensions, on medical grounds because she became ill and had to attend hospital, but finally she was refused further extensions after July 1967, in spite of the fact that her husband qualified and had his own brick house.

Our attorney spoke to an official at Langa and gave Gertrude Magaga a letter to take to him. Langa then accepted the fact that she was entitled to remain in terms of Section 10(1)(c) of Act 25 of 1945 and gave her an extension to 24th May 1968.

R. N. ROBB DIRECTOR.

3rd October 1967.