

MH

C/R/2/2

Ref. No.

THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC)
DIE SUID-AFRIKAANSE INSTITUUT VIR RASSEVERHOUDINGS (INGELYF)

To: Technical Officer,
S. A. Institute of Race
Relations,
P. O. Box 97,
JOHANNESBURG.

From: The Regional Secretary,
Cape Eastern Region,
S. A. Institute of Race
Relations,
106-108, Mutual Arcade,
Main Street, 23, Russell Road,
PORT ELIZABETH.
24th June 1958 1957.X

JUNE 30 1958

Dear Miss Horrell,

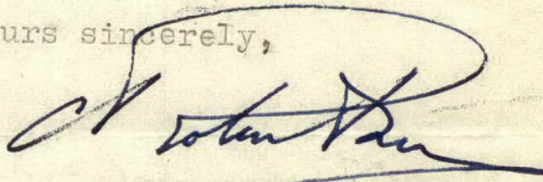
LEGAL STATUS OF AFRICAN WOMEN

Your letter of 13th inst.

I have at last got a legal man to go through Dr. Brook's memorandum. He is a man who deals with this sort of thing in his practice. I found it quite impossible to get really authoritative information from any other source.

I hope to post you his comments, if any, on Friday, 27th inst. at latest.

Yours sincerely,


REGIONAL SECRETARY.

1. follow up
2. Phoned N.E.A.D. who say "Needs" was received by them

3rd July, 1958.

Mr. F. Buitendag,
Director,
Non-European Affairs Department,
P.O. Box 475,
GERMISTON.

Dear Mr. Buitendag,

re: "The Needs of African Women" by
Mrs. Mia Brandel.

869
1411
2

At the request of Mrs. Mia Brandel I have sent to you to-day, under separate cover and by registered post, the abovementioned survey. I believe that Mr. D.H. Williams, Township Manager at Natalpruit, would also like to see the survey. Would you be kind enough to send it on to Mr. Williams? I would like to mention that as this is our only copy I would be most grateful if you took great care of it.

Kind regards.

Yours sincerely,

(Miss) Ann Blankenberg

DIRECTOR'S SECRETARY.

P.S. Would you please ask Mr. Williams to return the survey to us by registered post?

G.P.-S.13260

CERTIFICATE OF POSTING OF A REGISTERED POSTAL ARTICLE.
BEWYS DAT 'N GEREGISTREERDE STUK GEPOS IS.

No. 6920

Addressed as under.—As volg geadressees:

Mr. J. Butler dag *Amsterdam*
for European Affairs Dept.

Box 475
Geneva

Received by
J.
Ontvang deur

Date Stamp

Datumstempel

Arbeitsplan Wiese

- 1. Bente ✓
- 1. mit Scherwand ✓
- 1. Mia ✓
- 1. also mit Mia - f... ✓
Dann Hagge ✓
- 1. - in IRD
- 1. mit Prof. Kufe:

6 //

—

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

W.O. 219

AUDEN HOUSE - 68 DE KORTE STREET - BRAAMFONTEIN

JOHANNESBURG

RR 111/58

4.8.1958 ZZ

HON. PRESIDENT: DONALD B. MOLTEÑO, Q.C.
DIRECTOR: QUINTIN WHYTE
ALL COMMUNICATIONS TO THE DIRECTOR.

TELEPHONE: 835-1781 (4 LINES)
P.O. BOX 97
TELEGRAMS: "UBUNTU"

5 August 1958.

Dear

OCCUPATION OF DWELLINGS BY WIDOWED, DIVORCED OR DESERTED WOMEN

This Institute has set up a committee to study the legal status of African women, with a view to making positive suggestions to governmental authorities. Various members of this committee are studying the different aspects such as statutory discrimination, inheritance and the administration of estates, guardianship of children, ownership of moveable property and possibility of investment in banks, building societies, etc., the position of employees, and other matters.

A further aspect, which our Technical Officer, who is serving on the committee, was asked to investigate, is the position in regard to the occupation of dwellings by women in municipal locations or townships; and here we should be most appreciative of your help.

1. I wonder whether you will be kind enough to let me know whether any of the following categories of women may in your area become registered tenants in their own names :
 - a) A woman who qualifies under Section 10 to remain in your area and :
 - (i) was married by Christian or civil rites, but has become widowed or divorced or has been deserted by her husband; or
 - (ii) was married by customary union (including the payment of lobolo), but has been widowed or divorced or deserted by her husband; or
 - (iii) previously co-habited with a man who has died or has deserted, and has children by him who are minors.

(b) ...

- b) What would be the position, under each of the sub-heads mentioned above (i.e. Christian or civil marriages, lobolo marriages and co-habitation) if the widowed, divorced or deserted woman does not herself qualify under Section 10 to remain in your area, but has minor children?
2. How many registered women tenants are there in your area?
3. (a) If women in any of the categories mentioned above cannot become registered tenants in their own names, would they be permitted to retain occupation of their dwellings if the tenancy could be registered in the name of an adult son or other male relative?
- (b) Would it be essential for this son or male relative to be resident with the woman?
- (c) Would the woman be endorsed out of your area if she had no adult son or other male relative in whose name the tenancy could be registered?
4. General comment would be appreciated.

We shall be extremely grateful for your help in sending us this information.

Yours sincerely,

Quintin Whyte
DIRECTOR

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)

Telephone: 29210

P.O. Box 803,
DURBAN.

From: The Field Organiser,
DURBAN.

To: The Technical Officer,
P.O. Box 97,
JOHANNESBURG.

MH
45
13th August, 1958.

AUG 18 1958

Dear Muriel,

Legal Disabilities of African Women - Inheritance & Estates

Sooner or later we hope to be able to do something in connection with the above study.

In the meantime, Mr. Bhengu's paper on African Inheritance does contain sections - particularly towards the end - that will probably be of interest to the Committee in Johannesburg.

I am enclosing this, and if we need it here at a later stage, I can get it back from you.

Regards,

Yours sincerely,

Mary

Mary Draper

FIELD ORGANISER : Natal

C/A/2/2
Field Organizer,
S.A. Institute of Race Relations,
P.O. Box 803,
DURBAN.

26 August 1958.

Dear Mary,

LEGAL DISABILITIES OF AFRICAN WOMEN

Thank you very much for your letter of 13 August, and for the enclosed article by Mr. Bhengu. I look forward to reading this, and will lend it to Mr. Julius Lewin, chairman of our ad hoc committee.

Regards,

Yours sincerely,

M
Muriel Horrell (Miss)
TECHNICAL OFFICER

MH

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)

Telephone: 29210

P.O. Box 803,
DURBAN.

From: The Field Organiser,
DURBAN.

To: The Technical Officer,
P.O. Box 97,
JOHANNESBURG.

SEP 2 1958

27th August, 1958.

Dear Muriel,

re : Disabilities of African Women

Miss Pollek and I called at the N.A.D. to try to find out the position of African women in regard to housing in Durban, and in particular, Kwa Mashu. We had a discussion with Mr. Bourquin and got an outline of the position, but the Department has apparently received RR 111/58 which they are working on and which will go into more detail. Mr. Bourquin will let us have a copy of the reply.

Could you let me know whether the circular letter has been sent to other local authorities in Natal.

Incidentally, I have been somewhat confused about all the amendments to the Native (Urban Areas) Act and was very pleased to find that it is possible to obtain (from the Engineering College of S.A., P.O. Box 8417, Johannesburg) copies of the Act incorporating all amendments up to the end of 1957. Similar copies are also obtainable from Unity Secretarial Services in Johannesburg. I have written for three copies, and wondered if you knew about these, or whether you would like one. They are certainly going to make my life much easier.

Regards,

Yours sincerely,



Mary Draper

FIELD ORGANISER : Natal

C/A/2/2

Legal status of women

8 September 1958.

Mrs. Mia Brandel;
9, Hamilton Road,
Craighall Park,
JOHANNESBURG.

Dear Mia,

Thank you for your note. I am sorry not to have replied before now, but have been snowed up.

I didn't refer, in the circular, to unmarried women as such, but their position is covered by questions 1(a)iii and 1(b). Perhaps I should have mentioned them more specifically; but the replies are giving an indication of the policy in their regard.

Thank you for drawing my attention to this.

Kindest regards,

↙

Muriel Horrell (Miss)
TECHNICAL OFFICER

Dear Muriel,

Yesterday I got the copy of your letter to the municipalities, re, ~~women~~ and occupation of dwellings, signed by Mr. Whyte. Reading through it there seems to me no question framed to find out whether unmarried women can become Registered Tenants

Widows are in a favorable position I believe generally the authorities allow them to stay in their dead husbands' house and become R.T.'s.

It is the unmarried women's position which is not so sure. And there are so many of them. Unmarried ~~women~~ with children, and the new emerging professional woman who will not marry so easily and early.

Sorry if I seem to interfere with your task. May be you could, however, consider this a moment.

Kindest regards,

Mia

9/12/2

Field Organizer,
S.A. Institute of Race
Relations,
DURBAN.

8 September 1958.

Dear Mary,

DISABILITIES OF AFRICAN WOMEN


Thank you for your letter of 27 August. You will have received a copy of RR 111/58. I was asked to send this to about 20 major local authorities. So far as Natal is concerned, these included Durban and Pietermaritzburg only, neither of which has yet replied.

Incidentally, I am not too keen on releasing the results so far obtained, as it appears that in cases where women can become registered tenants in their own names this is because there is a sympathetic Manager or local authority. Central policy is making for tighter control, especially of women who do not qualify under Section 10 to remain in the area. The report will have to be carefully worded.

Thank you - I had discovered that there is now a version of the Urban Areas Act that incorporates amendments up to 1957. I practically kissed my copy!

Regards,

Yours sincerely,


Muriel Horrell (Miss)
TECHNICAL OFFICER

H. J. ORKIN

HYMAN JOHN JAMES ORKIN, B.A., LL.B.
ASSISTED BY
PHYLLIS LOPPERT, B.A., LL.B.

TELEGRAMS: "KINRO"
TELEPHONE: 33-7257/8

SUITE 310, ALRIS BUILDING (3RD FLOOR)
COR. RISSIK & ALBERT STREETS
(OPPOSITE NEW GOVERNMENT BUILDINGS)
JOHANNESBURG

SOLICITORS
TRANSVAAL, CAPE,
S. RHODESIA.

NOTARIES & CONVEYANCERS

REF. MRS. LOPPERT

13th September, 1957.

The Director,
S.A. Institute of Race Relations,
Anden House,
68 de Korte Street,
Braamfontein,
JOHANNESBURG

*60% of such marriages
edin. by East London
Municip.
SEP 17 1957
Survey on African
Marriage & Family Life
ed. A. Phillips P. 436
pub. 1953*

Dear Sir,

It would be greatly appreciated if you would kindly assist me in the following matter :-

In my capacity as local convener for laws of the National Council of Women, I have been approached by the Johannesburg Side Bar Association, with a request that the N.C.W. (S.A.) make representations to the Minister of Justice on the following matter :-

It appears that a Native woman who is "married" by customary union is precluded from recovering damages on the death of her "husband" through, say, a motor accident, on the ground, inter alia, that she is or may be a polygamous wife and accordingly not a legal wife or dependant.

The Legal Aid Bureau, I understand, is presently considering assisting a woman in such an unfortunate situation to take the matter to the Appellate Division in Bloemfontein. Both the Bureau and the Side Bar Association, however, believe that it would be far easier and more expeditious for the matter to be handled by way of amendment to the general law by Parliament. For this reason they request the N.C.W. to make the necessary representations.

In this connection could you give me an estimate of the numbers of women so affected, and whether they are largely primitive (and immediately then cared for by the husband's relative) or whether considerable numbers live in urban areas without de facto guardianship or support?

Yours faithfully,

Phyllis Loppert

PHYLLIS LOPPERT (Mrs.)

C/A/21

19 September 1957.

Mrs. Phyllis Loppert,
c/o H.J. Orkin, Esq.,
P.O. Box 4207,
JOHANNESBURG.

Dear Mrs. Loppert,

Thank you for your letter of 13th September dealing with marriages by customary union. The matter with which you are concerning yourself is reminiscent of the position of Indian women prior to the Indian Relief Act of 1914. Before that, if a man's code was polygamous, no marriage he contracted was regarded as being legal, whether or not he practised polygamy.

I am afraid that we can find no over-all statistics relating to the numbers of women in urban areas who are married by customary union. It was estimated in East London some years ago that the figure was 60 per cent (Survey on African Marriage and Family Life ed. A. Phillips, page 436, published 1953). In Johannesburg in 1950 about half of all marriages were by customary union.

It is certain, however, that large numbers of African women do live in urban areas without de facto guardianship or support. One pointer is that, according to figures for some of the larger urban areas, published in Annual Reports of Medical Officers of Health, between 32 and 61 per cent of the births are illegitimate.

The laws relating to African marriage are certainly in need of revision, and we are so glad to hear that the N.C.W. is taking this up. I understand, for instance, that the Native Administration Act of 1927 provided for the exclusion of the ordinary consequence of marriage in community of property according to Common Law, except under certain circumstances. If no declaration accepting community of property, or no ante-nuptial contract, is entered

/into

Mrs. Phyllis Lopert,
JOHANNESBURG.

19 September 1957.


into, a woman married under Christian or civil rites inherits nothing if her husband dies intestate. Furthermore, she is precluded from going to her husband's group and bearing children in her husband's name, thus her claims for maintenance upon his family are seriously reduced.

Wives of a casual or customary union whose husbands marry someone else under the common law find themselves automatically divorced. Section 22 of Act 38 of 1927 did provide for such a wife to retain property customarily attached to her 'house', but there is no obligation on the ex-husband to provide for her.

Have you discussed this whole matter with Mr. Julius Lewin at the University? He has made a considerable study of it.

I am sorry that I cannot be more helpful. Best wishes for the success of your representations.

Yours sincerely,


Muriel Horrell (Miss)
TECHNICAL OFFICER

P. O. BOX 4207

File
9/21/1

H. J. ORKIN

HYMAN JOHN JAMES ORKIN, B.A., LL.B.
ASSISTED BY
PHYLLIS LOPERT, B.A., LL.B.

SOLICITORS
TRANVAAL, CAPE,
S. RHODESIA.

NOTARIES & CONVEYANCERS

TELEGRAMS: "KINRO"
TELEPHONE: 33-7257/8

SUITE 310, ALRIS BUILDING (3RD FLOOR)
COR. RISSIK & ALBERT STREETS
(OPPOSITE NEW GOVERNMENT BUILDINGS)
JOHANNESBURG

SEP 26 1957

REF. MRS. LOPERT

23rd September, 1957.

Technical Officer,
S.A. Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG

Dear Miss Horrell,

re: Legal Claims of African Women

I thank you for your letter of 19th
September and for your prompt attention to my request.

I shall, as suggested, take the
matter up with Mr. Lewin.

Yours very truly,

Phyllis Loppert
PHYLLIS LOPERT (Mrs.)

National Council of Women,
Convenor for Laws & Suffrage.

PHL/SD.

22-0771

City of Bulawayo

1) QW
2) ~~STH~~ HMB



PHONE POSTAL ADDRESS
5101 TOWN CLERK P.O. Box 591
5101 MEDICAL OFFICER OF HEALTH P.B. T226
5201 CITY ELECTRICAL ENGINEER . . P.O. Box 1803

PHONE POSTAL ADDRESS
5101 CITY TREASURER P.O. Box 653
5101 CITY ENGINEER P.B. T228
~~XXXXXX~~ DIRECTOR OF NATIVE ADMINIS-
62213 TRATION P.B. ~~XXXX~~
2034.

ALL CORRESPONDENCE TO BE ADDRESSED TO THE HEAD OF DEPARTMENT

15th October, 1958.

Quintin Whyte, Esq.,
Director,
South African Institute of Race Relations,
P.O.Box 97,
JOHANNESBURG.

20 OCT 1958

Dear Mr. Whyte,

I had three days in Johannesburg last week, and was hoping very much to come and see you, but, unfortunately, my official programme got unduly crowded and I was unable to make it. I am sorry about this as it would have been very nice to have seen you again, and hear how things at the Institute were going.

Whilst in Cape Town I had the pleasure of meeting Maie Brandel. She told me she had prepared a report for the Institute on "The Needs of African Women". I would be grateful if you could lend me this, together with any comments that have been made on it.

Yours sincerely,

E.H. Ashton
E.H. Ashton.
DIRECTOR OF AFRICAN
ADMINISTRATION.

EHA/OL.

AW. P.M.B.
please see
letter to manager
Natalpoint.
Do you want to reply
or sorry to Mr Ashton?

5th November, 1958.

Mr. D.B. Williams,
Township Manager,
NATALSPRUIT.

Dear Mr. Williams,

re: "The Needs of African Women" by
Mrs. Mia Brandel.

I write to ask whether you have finished with the abovementioned paper. I telephoned your department a while back and they said the file would be returned to me within a few days. The reason why I write at all about this is that I am afraid it might have gone astray in the post (it is our only copy) and we have had a request from Rhodesia for a loan of the file.

I do apologise for troubling you. I have tried several times to get through to you on the telephone but have not succeeded.

May I ask you to register the file when you send it back to us?

Many thanks,

Yours sincerely,

A.M. Blanckenberg

A.M. Blanckenberg (Miss)
DIRECTOR'S SECRETARY.

amb.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

W.O. 219

AUDEN HOUSE - 68 DE KORTE STREET - BRAAMFONTEIN

JOHANNESBURG

HON. PRESIDENT: DONALD B. MOLTENO, Q.C.
DIRECTOR: QUINTIN WHYTE
ALL COMMUNICATIONS TO THE DIRECTOR.

TELEPHONE: 835-1781 (4 LINES)
P.O. BOX 97
TELEGRAMS: "UBUNTU"

5th November, 1958.

Mr. D.H. Williams,
Township Manager,
NATALSPRUIT.

Dear Mr. Williams,

re: "The Needs of African Women" by
Mrs. Mia Brandel.

I write to ask whether you have finished with the the abovementioned paper. I telephoned your department a while back and they said the file would be returned to me within a few days. The reason why I write at all about this is that I am afraid it might have gone astray in the post (it is our only copy) and we have had a request from Rhodesia for a loan of the file.

I do apologise for troubling you. I have tried several times to get through to you on the telephone but have not succeeded.

May I ask you to register the file when you send it back to us?

Many thanks,

Yours sincerely,

A.M. Blanckenberg

A.M. Blanckenberg (Miss)
DIRECTOR'S SECRETARY.

amb.

*Received 17/11/58
amb.*

*The Congregation
for return
under Reg. Post.
amb*

QV

Do I send?

yes registered with a note re to only copy. etc

11th November, 1958.

Dr. Hugh Ashton,
Director of African Administration,
P.B. 2034,
BULAWAYO.

Dear Hugh,

I am sorry we did not manage to see each other when you were in Johannesburg.

X We have only one copy of Mia Brandel's Report on the Needs of African Women and it is out on loan at the moment. We are trying to get it back. Actually it should never be allowed out of our library. When it is returned I'll send it up - it is very bulky.

All good wishes.

Yours sincerely,

Quintin Whyte,
DIRECTOR.

amb.

x Received on 17/11/58 amb.

File

17th November, 1958.

Dr. Hugh Ashton,
Director of African Administration,
P.B. 2034,
BULAWAYO.

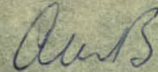
Dear Dr. Ashton,

re: "Needs of African Women" by Mrs. Mia Brandel.

With further reference to Mr. Quintin Whyte's letter of 11th November, I am sending to you by registered post and under separate cover, our file on the "Needs of African Women". May I stress the ^{will} fact that this is our only copy and I would appreciate it if you return the file to us by registered post when once you have finished with it.

I am sorry the file could not have been sent to you earlier but I have only now had it returned to me by one of the Township Managers on the Reef.

Yours sincerely,



A.M. Blanckenberg (Miss)
DIRECTOR'S SECRETARY.

AMB

City of Bulawayo



PHONE	POSTAL ADDRESS
5101 TOWN CLERK	P.O. Box 591
5101 MEDICAL OFFICER OF HEALTH	P.B. T226
5201 CITY ELECTRICAL ENGINEER . .	P.O. Box 1803

PHONE	POSTAL ADDRESS
5101 CITY TREASURER	P.O. Box 653
5101 CITY ENGINEER	P.B. T228
5101 DIRECTOR OF NATIVE ADMINIS-	
62213 TRATION	P.B. T236 2034.

ALL CORRESPONDENCE TO BE ADDRESSED TO THE HEAD OF DEPARTMENT

S.O.12.

28th November, 1958.

Miss A.M.Blanckenberg,
 Director's Secretary,
 South African Institute of Race Relations,
 P.O.Box 97,
JOHANNESBURG.

8 DEC 1958

Dear Miss Blanckenberg,

RE: "NEEDS OF AFRICAN WOMEN" BY
MRS. MIA BRANDEL.

Your file on the above subject has been safely received, for which many thanks.

Dr. Ashton at the moment is away from the office for a short leave. I am sure on his return he will find this report of great interest, and will be getting in touch with you in the near future.

Yours sincerely,

Dupetto

For E.H.Ashton.
 DIRECTOR OF AFRICAN
ADMINISTRATION.

OL.

CERTIFICATE OF POSTING OF A REGISTERED POSTAL ARTICLE.
BEWYS DAT 'N GEREGISTREERDE STUK GEPOS IS.

No. 0882

Addressed as under:—*As volg geadresseer:*

Dr. EA Achter

Dir. of African
Administration



Date Stamp.

PR 2034

Received by _____

Ontvang deur

Bulawayo SR

Datumstempel.



MH

Miss Katherine Gabel
Wilder House
Smith College
Northampton, Mass.
U.S.A.

February 25, 1959

South Africa Institute of Race Relations
PO Box 97
Johannesburg,
Union of South Africa

Dear Sir;

At present I am writing a senior thesis under the direction of Dr. Gwendolen Carter, Professor in the Smith College Department of Government, on "The Urbanization of the African Woman" and I am wondering if you could perhaps give me some help with research material.

In 1957 I traveled in Africa for three months with Dr. Carter and resultidly have carried out some personal interviews and research, but now I need more background and ideas for future considerations.

My thesis deals with the situation of the African woman in South Africa....around the areas of Durban and Johannesburg. The paper will be divided in three sections:

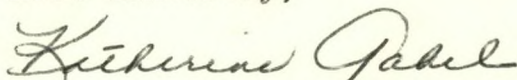
1. Present rural and urban conditions
2. Reasons why African women are being forced into the urban areas...and the situation that she finds upon arrival there.
3. Future planning and alleviation of the present problems for the urban African woman.

Obviously, due to the present political situation, the third question is a hard one to answer but it is also the one that I need the

most ideas on. I would greatly appreciate any material that you could send me and would gladly pay any necessary fees. Could you please send any available material as soon as possible?

I will look forward to hearing from you in the near future.

Most Sincerely,

A handwritten signature in cursive script that reads "Katherine Gabel". The signature is written in dark ink and is positioned above the typed name.

(Miss) Katherine Gabel

C/A/2/12

6 March 1959.

Miss Katherine Gabel,
Wilder House,
Smith College,
Northampton, MASS.
U. S. A.

Dear Miss Gabel,

Thank you for your letter of 25 February. I take it, from the terms of your letter, that you have a certain amount of material on the first two sections of your paper? In any case, our latest "Survey of Race Relations" contains information about these matters up to about November 1958, and may supplement the material you have. Dr. Carter has a copy of this. If you would like to have a copy for your own use, please let me know.

So far as the third section is concerned, I find it difficult to decide what material might be of most use to you, as I do not know which of the problems of urban women you are concerned with, for example questions of marriage, custody and guardianship of children, inheritance, tenancy of houses, the carrying of "passes", employment or care of children while the women are at work, etc. etc.

What seems to be the best solution is to send you the enclosed very brief article I wrote for a recent conference in Brussels, which touches on a number of the problems women are facing, and also a paper by Mr. Julius Lewin which was presented at our Council meeting this January. We intend convening study groups to make further investigation of the whole subject-matter of Mr. Lewin's paper.

If, after reading these, you would like further information on any specific point, please let me know. There is, however, very little literature on the problems that women are facing.

/As ...


Miss Katherine Gabel,
Smith College,
Northampton, Mass.
U. S. A.

6 March 1959.

As you say that you want the material as soon as possible, and would gladly pay any necessary fees, I am sending this by airmail. We will make no charge for the enclosed papers; but could we perhaps ask you to refund the postage, which amounts to 11s 3d.?

With best wishes for your work,

Yours sincerely,


Muriel Horrell (Miss)
TECHNICAL OFFICER

Collection Number: AD1715

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974

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Publisher:- Historical Papers Research Archive

Location:- Johannesburg

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