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E X T R A C T F R O M
MINUTES OF THE GENERAL PURPOSES COMMITTEE
MEETING ON TUESDAY, 24TH MAY, 1955

4. (d) Population Registration Act

The Assistant Director tabled a letter which had been received by the Chairman of the Cape Regional Committee, asking if the Institute would support representations to the Minister of the Interior for the immediate constitution of the Board to deal with objections to race classification under the Population Registration Act No. 30 of 1950. The request had arisen through an objection, lodged in terms of the Act, to the classification by the Director of Census and Statistics of a child of an unmarried European woman as "native". It had then been learnt that the Board, which should hear such cases, had not yet been constituted. The Chairman of the Cape Regional Committee had referred the matter for decision as it was of national implication.

Dr. Gutsche stated that the National Council for Child Welfare were investigating the matter, as there were a number of cases where children of mixed parentage could not be adopted by Coloured people as they had been classified as "native".

IT WAS AGREED that the matter should be discussed with the South African National Council for Child Welfare to ascertain in what ways the Institute could co-operate in their efforts to rectify the position.

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M. S. E. G. M.

CASE A

Name: Mr. Willie Vickerman.

Address: 59, 16th Avenue, Alexandra Township.

Father - European; Mother - African; Wife - African.

Five children - four registered. Last baby not yet registered.

Children attend Central School, Alexandra - mixed African and Coloured.

Works Railway laundry. Recently classified as African, afraid that wages will decrease.

S. A. R. asked for classification.

Holds letter from Dr. J. Reyneke, Pretoria, certifying he is Coloured.

CASE B

Name: Mr. George Hamilton.

Address: 63, Bernard Street, Sophiatown.

Father - European; Mother - African; Wife - African.

Three children - last child registered 18/12/54 as Coloured after full particulars had been taken.

Eldest child goes to private school.

Works S. A. R. - barrier attendant on coloured scale - will mean a drop of £10 in pay if classified as an African.

Has not yet been classified.

Both these cases have been referred by:

Father Guinness,
Community of the Resurrection,
Sophiatown.

E X T R A C T F R O M

MINUTES OF THE EXECUTIVE COMMITTEE

MEETING ON 4, 5, 6 JULY,

1955

5. (g) Population Registration Act, No. 30 of 1950

The Assistant Director stated that the National Council for Child Welfare had written to the Minister of the Interior asking for the early appointment of the Board, which would deal with objections to race classification. Now that Parliament had risen, the Council would press for a decision.

Professor Pollak drew attention to the Minister's statement in reply to a question raised in the House on the classification of persons of mixed parentage for the purpose of ^{the} national register.

Mr. Ngakane

1. Mr. Lilienfeld, a Coloured man came to the Institute to seek assistance in connection with the confusion caused among the Coloured people by the classification that has been started at the Pass Office under Population Registration Act 30/1950. He did not speak for himself but for the Coloured community as a whole and feels that this is a question of race relations in which the Institute might interest itself.
2. After discussing the difficulties and hardships that will follow in the wake of the classification, I suggested and he agreed that instead of my taking a statement from him, it would be very much better if he and two other men could attend a meeting of the Action Committee and state their case to indicate the lines along which the Institute might be of assistance.
3. I further suggested that as Mr. Lollan, who is Secretary of the Coloured People's Organisation was reported in the press (See cutting 15/8/55 Rand Daily Mail) as having briefed attorneys to give legal defence when necessary, and as having arranged for advice for any members of the Coloured community who might be in difficulty, it would be wise to ask him to be a member of the deputation.
4. Mr. Lollan and I met in Orlando last night and he made the suggestion that, while as a political organisation they would fight politically - and this would of course, be a long-drawn fight, the Institute might consider expedients which would give immediate relief from suffering. He suggested the following courses of action for the Institute:
 - (a) that the Institute should ask for the classification at present being carried on to be discontinued pending the establishment of a board of appeal in terms of the Population Registration Act.
 - (b) That if the classification must be carried on, it be removed from the Pass Office.
 - (c) That the government should discontinue the present method of arrest by the police and invite the people to go voluntarily for registration.
5. We suggest that the deputation of Mr. Lollan, Mr. Lilienfeld and another come before this Committee now to present their case.

MEETING OF COLOURED PEOPLE AT WESLEYAN
CHURCH, CORONATIONVILLE, ON EVENING OF 17 AUGUST 1955.

The church was packed to overflowing, and those who could not get in gathered round the doors and windows.

The meeting started three-quarters of an hour late. Before it started it was not disclosed who would be chairman, but Messrs August and Alexander seemed to be active organizers, and their supporters had brought a microphone.

Mr Lollans, and a young man in a Wits blazer (Mr Roman) arrived with a group just before the meeting opened, and took up a position near the front.

Mr August announced himself as chairman, and said that amongst the conditions on which the church had been given was that there should be no political speeches.

At this stage Mr Roman rose on a "point of information" and wanted to know who were the real convenors of the meeting. Mr August said that the meeting had "just occurred". Mr Roman then demanded that the meeting be allowed to elect its own chairman. (The intention was obviously to elect Mr Lollans). He was brushed aside, as Mr August was de facto in the chair.

The first speaker was Mr Alexander, who had watched the team of "classifiers" at work. He named the two men in it as Saunders and Marais. The gist of his speech was that classification was brought about by "the bosses" in order to lower wages, and also to weaken the Coloured people as a group, by forcing some Coloured people into the ranks of the Africans, while others were allowed to escape across the line and join the Whites. He had written to I.D. du Plessis, who in reply, had denied that a classification as described was taking place.

The chairman then called upon anyone in the audience who had been taken to the Pass Office to come to the microphone and relate his experiences. Three came - Messrs Albani, Norman Wilmot, and Martin Spidoni. All had been passed as Coloured.

Mr Roman then came forward and was given the microphone. He started a political attack on the nationalists, and the microphone was taken from him.

The chairman then spoke at length, saying that an action committee must

Mr. Wylie

The officials of the Johannesburg Non-European Affairs Department are as much in the dark as we are. Mr. Collier told me that apparently the Director of Census and Statistics has a section operating every Wednesday down at the Pass Office at the Native Commissioner's. People who look African are asked for passes, and if they have none and say it is because they are Coloured, they are told to report. If they are aggrieved at Native classification, they are told that they can appeal to the Director.

Mr. Collier could not say whether it was true that people newly classified as Africans have been made to pay taxes without being credited with the personal taxes that they payed as Coloured.

Mr. Collier also does not know whether, when they do question them at the Pass Office, they refer to the register as it appears they should do according to the act.

Mr. Carr is seeing Mr. Raatz, the Director of Census and Statistics on Wednesday or Thursday, and we shall get any information which he is able to extract.

With reference to the leader in the "Star" of last night, we have contacted Major Rodseth in the hope that he can give us some details.

What is the Institute's course to be in ^{regard} ~~relation~~ to the difficulties which have arisen over the classification of Coloured persons?

The matter has arisen as one for action since yesterday morning and the relevant documents which are before this Committee are:-

1. Cape Coloured Population Commission 1934-37.
2. The 1950 Act.
3. Correspondence of April to June Cape Town Office and with Child Welfare.
4. Cuttings from "Rand Daily Mail" and "Star". (3)
5. Report ex Mr. Ngakane.
6. Information ex Mrs. Whyte.
7. Cases ex Miss Glynn.
8. Extracts from G.P.C and Executive Minutes.
9. Minister's statement.

Shw ask. Report & check how come + present
Child Welfare
Raasia -
Glynn -

Handwritten: S.A.F.R.R. memo

Handwritten: J. S. K. V.

RACIAL CLASSIFICATION

1. Consequent on a decision of the General Purposes Committee that biological criteria for race classification should be examined, I read various statements on this and came to the conclusion that any attempt to classify people in terms of physical characteristics, cephalic indices, bone structure, blood groups or otherwise was quite impossible, and that even if it were possible, it was unlikely that such possibility would in any way cause South Africa to adopt any such means of classification. If everyone, European or Non-European in South Africa were to submit to any such examination, the social results as far as "Europeans" are concerned could not be envisaged by Europeans.
2. I suggest that if this aspect of racial classification should be studied, it should be by someone highly qualified in genetics, physical anthropology and related subjects. It involves highly skilled and technical analysis.
3. The other angle suggested was an examination of the definitions used in legislation, and of the criteria used in these definitions. The following will indicate that there is a considerable variety of definition of Coloured and African. Such variety arises from the requirements of different situations which the various legislative acts were called on to deal with: any action under any piece of legislation is confined to the definition contained in such legislation.
4. Before the Union, the definition of "Coloured person" was generally, "any African, Asiatic, Polynesian, aboriginal native, any coloured American person, Arab, Coolie, or Chinaman and all persons who in accordance with law or custom are called coloured persons or are treated as such of whatever race or nationality they may be".
5. Various cases before the Union were contradictory, as Professor Swanepoel points out in "Koers". In 1899, the Cape Supreme Court ruled the offspring of a European and a Griqua to be a native, yet six years later, in the Eastern Province it was ruled that the offspring of a European and a mother of mixed race was not a native - for the purpose of buying liquor. Today, either of these two persons would be a native for the purpose of occupying land in the Native Reserves and for entering into a service contract, but Native law would not apply to him.

In 1907 in Natal the Court ruled that the son of a white father and a Zulu woman was a native and could not buy liquor there. In 1940, the Appellate Division declared that the boy's sister was also a native for the purpose of land tenure in Natal, but that she was not a native for the purpose of land tenure in the Union's Native Reserves or for the Union's liquor laws. She could therefore buy liquor in the Union elsewhere than in Natal.

In 1912 the Cape Court declared that "a slight mixture of blood does not move a man from the category of Native", but in 1946 the same court declared precisely the opposite.

6. An examination of legislation shows that the definition of a Cape Coloured person is arrived at by negatives, yet, in particular circumstances a Cape Coloured man, for particular purposes, be defined as a Native. The Population Registration Act defines a "Coloured person" as meaning a person who is not a white person or a native. A "native" is defined as a person who is in fact or is generally accepted as a member of any aboriginal race or tribe of Africa. A "white person" means a person who obviously is, or who is generally accepted as a white person, but does not include a person who, although in appearance obviously a white person, is generally accepted as a coloured person. Under this definition, Coloured person could presumably include an Asiatic.

7. Under the Group Areas Act, 1950, a "coloured group" includes (i) any person who is not of the white group or of the native group; (ii) any woman, to whichever race, tribe or class she may belong, between whom and a person who is (i) (above) a member of the coloured group, there exists a marriage or who cohabits with such a person. This presumably means that a woman of pure European descent, on marriage or co-habitation with a coloured person assumes that person's colour. The distinction is social. A similar provision exists under the Asiatic Laws Amendment Act, 1948, whereby a woman of any race etc. becomes Asiatic on marriage, whether or not monogamous, with an Asiatic. The Group Areas Act also makes a white woman or a Coloured or Asiatic woman a native on marriage or co-habitation with a native.

There appears to be no provision for a Coloured, African or Asiatic woman to become white on marriage or co-habitation with a white man.

The Group Areas Act also provides that a member of a native group or of a Coloured group may, in particular circumstances, be deemed not to be a member of the Native group or of the Coloured group as the case may be.

Under the Group Areas Act, Section 9 bis (1) it is said that "if at the commencement of this section a member of any group holds immovable property in the controlled area and thereafter becomes a member of another group, he shall not hold that property except under the authority of a permit."

8. Under the Separate Representation of Voters "Act", 1951, a "Non-European" is a person who is not a white person and who is not a Native for the purposes of Act No. 12 of 1936. Presumably Non-European includes both Coloured and Asiatic. The Immorality Amendment Act, 1950, defines Non-European as meaning a person who in appearance obviously is, or who by general acceptance and repute is a Non-European. The Prohibition of Mixed Marriages Act, 1949, uses a similar definition.

On the other hand, the Native Urban Areas Act, 1923, defines a Coloured person as "any person of mixed European and native descent" and the Coloured Persons Settlement Act of 1946 declares that a "coloured person means any person other than a European, an Asiatic (as defined) or a Native". Another term is used in the Representation of Natives Act, 1936, i.e., "Non-native", which presumably includes white, Asiatic, and Coloured, but not any of these if any of them follows in his ordinary and daily mode of life the habits of a native or uses one or other native languages as his customary and natural mode of expression or associates generally with natives under native conditions.

9.

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