

FSAW (61.1)

HISTORY OF THE PASS LAWS.

1. BEFORE 1900.

CAPE: 1760 - first pass law - slaves had to carry passes.

1827 - Law to make Africans from outside the Cape Colony carry passes within the colony.

1864 - "Certificate of Citizenship" for all Cape Africans in employment or foreigners from outside the Cape, with 10 years record of residence and employment in the Cape - this certificate gave freedom of movement, although Africans in Eastern Cape had to have passes if they wanted to move out of their own areas.

1895 - Curfew introduced - gave power to local authorities to introduce if they wished, curfew system (from 9p.m. - 4a.m.)

BUT also strict Vagrancy Law which had the same effect as the pass laws in Natal and the Boer Republics.

NATAL: 1884 - Inward and outward passes introduced to control movement from and into the Colony - similar to passports. Still applies - as permits.

1901 - Identification passes required by African servants. Employers had to keep registers and record passes.

1846 - in one of small Boer republics, first pass law introduced.

TRANSVAAL:

After 1860 - pass laws introduced into S.A. (Transvaal) Republic.

1870 - "Shilling Pass" law - travelling pass had to be made out on official form costing 1/- and signed by employer or chief - this was mainly for leaving Transvaal - Africans going to diamond fields in the Free State.

1875 - Transvaal Africans going to the Free State had to pay £2. for pass and had to get permission from Government official or employer. Failure to pay led to drafting into farm or domestic service, but free pass issued for looking for work in Republic.

1877 - British annexed S.A. Republic - relaxed pass laws but did not abolish them.

1882 - Transvaal free - retained relaxed policy, but when gold mines demanded cheap labour, laws were tightened up again.

1895 - (1) General Pass Laws.

(a) pass required from employer for moving about in area of residence.

(b) "Shilling" pass from State official for going out of area or out of the Republic.

(2) Special Pass Laws for Gold Areas:

(a) Shilling pass exchanged for 3 days permit to look for work.

(b) Employer kept permit and gave employer's pass.

- (c) Arm badge to be carried to show possession of pass or permit.

1897 - New pass added. "Leave of absence" pass - for 3 days.

1899 - Town pass introduced for all African males over twelve years living in any town or village.

O. F. S.: Free State Republic had strictest pass system of all by end of nineteenth century.

- (1) Inward and outward passes for entering or leaving the Republic.
- (2) Travelling passes inside the Republic.
- (3) Residential passes for towns and rural areas.
- (4) Permits for women driving stock.

Railway tickets were not issued without these passes.

NO exemptions of any sort were granted.

II. BETWEEN 1900 AND UNION IN 1910.

Principle of pass system accepted and applied generally all over South Africa after the Boer War.

TRANSVAAL: Tax receipt also became a pass and had to be produced on demand. Pass system became controlled by Central Government.

FREE STATE: Conditions became worse.

Municipalities given power to make a charge for residential passes and these were extended also to women. Many towns began to regard passes for Africans as a source of income; passes were many and various; for example - Stand permits; residential permits; visitors' passes; work-seeking passes; employment registration certificates; permits to reside on employer's premises; domestic service books; work-on-own-behalf certificates; washerwomen's permits and entertainment permits.

Africans objected on principle to passes for women.

Petitions and deputations were organised.

African women started Passive Resistance Movement; paid fines and also went to gaol.

Nothing done to improve the position till 1917, when pass laws were no longer imposed on African women, but pass laws were not withdrawn.

III. AFTER UNION: 1910 and LATER YEARS.

1911 - Native Labour Regulations Act controlled all African Labour through pass system.

1912 - South African Native National Congress formed with main object of abolition of the pass laws.

Before 1914 war several commissions appointed to enquire into and examine pass laws. The Government was busy with Native Land Act and Native Administration Laws.

1913 - African mine workers started strike as protest against pass laws; investigation - commissioner stated - "Pass laws not a source of grievance".

1918 - African Johannesburg municipal employees struck. Movement was suppressed by authorities.

Commissioner investigating supported pass system, but recommended:

(1) abolition of charge of one shilling for travelling pass, but not abolition of pass.

(2) abolition of night pass for women.

(3) Exemption from passes after long service.

These recommendations accepted, but did not really improve conditions.

1918 - Congress representatives interviewed Acting Prime Minister who said Government "would not contemplate removal of the pass laws at the existing stage of development of the Native population".

Passive Resistance followed.

Burning of passes. Thousands of passes were collected in sacks and burnt; this was followed by police action.

1920 - Committee of Enquiry into pass system appointed. Recommendations upheld the pass system but proposed some changes, and suggested excluding women altogether from pass laws. Recommendations were not carried out.

1923 - Natives (Urban Areas) Act made it quite clear that pass laws were intended only to restrict the movement of male Africans.

(1) Employers in urban areas to register contract of service and pay 2/-d per month.

(2) All male Africans entering urban areas to obtain a pass immediately.

(3) All male Africans on termination of employment to obtain pass to remain in area.

(4) Any African not finding work in a limited period to be forced to leave the area.

1930 - Women to obtain a certificate of approval from local authorities before entering urban areas, and to produce it on demand - therefore a pass.

'Special passes' for nights could also be applied for women.

(N.B. Native Administration Act gave full power to Govt. to amend or repeal pass laws and to make regulations for passes without consulting Parliament).

1932 - Native Service Contract Act (Transvaal and Natal).

All Africans on private farms to get pass before going to any other place. No employer allowed to employ African from outside urban areas unless he can produce signed pass from farmer that he is allowed to work away from the farm.

This pass was later included in the Tax Receipt.

1942 - Statement in Parliament that between 1939 and 1941, over a quarter of a million Africans convicted in the Transvaal for pass offences only. Police instructed to relax enforcement of pass law, but public objected and further Government measures were introduced. In Cape Western District, railway tickets into Cape Town were not issued unless a pass showing employment was produced.

1943 - Anti Pass Committee to organise nation wide campaign for repeal of pass laws.

1946 - Burning of Passes at Langa, Cape Town.

Revenue from Pass System:

In Cape, Free State and Natal, fees go to the Native Revenue Account of Municipalities.

In Transvaal most of the fees go the Province - General Revenue.

Thus local authorities and Transvaal Province do not want to lose the income from passes.

1952 - All urban areas (146 in all) declared "proclaimed areas" and subject to influx control. Natives (Abolition of Passes and Co-ordination of Documents Act) 1952 - Issuing of Reference Books to replace passes, but reference books must be produced on demand, therefore are no different from passes.

1955 - Minister of Native Affairs announced that in 1956 African women would be required to carry passes.

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FEDERATION OF SOUTH AFRICAN WOMEN 1954-1963

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