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STRUCTURE AND EXPERIENCE IN THE MAKING OF APARTHEID

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ABSTRACT

On South African Railways, and in other public services, the era of strict apartheid began in 1953 when, without coincidence, the National Party was elected to office a second time and passed the Reservation of Separate Amenities Act. Accordingly, not only was racial *separation* perpetuated, but racial *inequality* was sanctioned officially. Although the Act had a wide compass, it was primarily a response to protest about the introduction of partial racial segregation on trains, and at railway stations, in the Cape Peninsula. For thirty years, train passengers there had escaped the formal segregation which applied to other Railway services since 1918. Agitation (mostly by white Parliamentarians) to end the anomalous situation began before the advent of the apartheid Government in 1948. For five years thereafter, segregation measures provoked serious, concerted objections from black people and organisations. The switch from segregation to apartheid on the Railways (and in other public facilities) was not the result of prolonged failure to secure racial separation throughout South Africa, or of intensification of racial attitudes. Rather, at the very doorstep of the Government in Cape Town, apartheid was the legislative backlash to hostility to the novelty of enforced segregation on the suburban Railways. The loopholes which protesters exposed prior to and during the 1952 Defiance Campaign were blocked quickly by the Government before customary racial segregation operative elsewhere was undermined.

Rolling segregation into apartheid:
South African Railways, 1948-1953

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Apartheid on trains and at railway stations in South Africa was at its most extreme in the 1960s and early 1970s. Enforced racial segregation between black and white passengers was not only a creature of the post-1948 apartheid era, however. Informal racial segregation of passengers in trains and at Railway stations in South Africa dates from before the turn of the century. Formalised segregation was established in 1918 by Railway regulations based upon an enabling Act of Parliament, itself modelled on legislation adopted in the Transvaal Colony in 1908.¹

After several decades of statutory racial segregation, there was not very much left for the authorities to do except perhaps to police racial prohibition more effectively, and to introduce segregation to suburban trains in the Cape Town metropolitan area where passengers of any skin colour could still sit wherever they liked. Being on its doorstep, this anomaly was an acute embarrassment to the new Government. Of what significance, then, was the election of the apartheid Government in 1948 for train travel? Was there a detectable alteration in the way passengers of different race were accommodated? If so, was the change ubiquitous, and what was the impulse for the shift? In short, what did the switch to apartheid train transport at mid-century entail, how was it accomplished, and what was its impact?

The residue of segregation

After the decline of protest about racial segregation on trains and at railway stations in the 1920s, complaints centred increasingly on the legacy of the 1916 Act and the 1918 Railway regulations. In letters to the press Africans complained bitterly about overcrowding, for example. The number of carriages which they were allowed to use were too few and were inferior; platform facilities were inadequate and inconveniently placed. The second-rate treatment which they received was also a source of great dissatisfaction. Conductors and ticketing clerks were accused of being brusque and inattentive.² Discrimination percolated down to the tiniest detail of travel arrangements: in 1940 the newly-formed Non-European United Front (NEUF) pointed out an instance in which bookings made in the names of Africans bore the prefix 'Native', whereas white passengers were addressed as 'Mr, Mrs or Miss'. The complaint drew apology and corrective action.³

Africans were not alone in their irritation about railway service in the 1930s and 1940s. Many coloured passengers were also indignant about the treatment which they received. Indeed, one of the recommendations in an official Government report about the coloured population in 1937 was that ways be found to improve the accommodation which they were given on trains. Said the Commission, "better class" coloureds in particular were often "keenly dissatisfied" if they were not "separated from Natives".⁴ Dissatisfaction extended further than this, however, and coloured passengers on main-line trains were also annoyed by the arrogance, abusiveness and brutality of guards and ticket examiners.⁵ Their annoyance was not unfounded: some public officials did indeed act with undue severity. On occasion their actions were even illegal. In 1938, for instance, two coloured people were issued court summonses for using the main entrance at Paarl railway station. A deputation to the South African Railways (SAR) from the Teachers League of South Africa, of which

one of the accused was an executive member, was informed that the charge of trespass was invalid. Apparently, police had applied racial restrictions without the knowledge or assent of the SAR.⁶

Individual objections about travel arrangements and about personal treatment on the SAR were published in the press, and also surfaced in more active protest. For instance, in 1937 at Kimberley railway station, a coloured man, Herman, deliberately sat on a platform bench marked 'Europeans only' and refused to move elsewhere when asked to do so by an official. Herman appealed against his fine of 2s. 6d., his defence being that it was the wording of the sign that contravened Railway regulations, not his behaviour. The tussle over whether the bench marking could be reconciled with regulations which permitted reservation 'for persons of particular races' or 'different classes of persons' dissolved into a debate about linguistic niceties, and Herman's protest eventually failed. Other litigants were more successful. In Natal, in 1946, a coloured man, Chasle, won his appeal against wrongful conviction in a case in which he had been found guilty of having remained in a compartment other than the one set aside for blacks. The appeal was also decided on a technicality (the charge against Chasle had been badly framed), but the proceedings did at least establish that SAR officials had to take care before rushing to arrest people.⁷

Not content with just personal protest about the effects of segregated train transport, several organisations representing Africans tried to secure improved transport conditions from the authorities. Periodically in the 1930s the Johannesburg Joint Council of Africans and Europeans complained to the SAR on behalf of its members. Throughout the 1940s, and into the 1950s, the Ciskeian Territorial Authority and the United Transkeian Territories General Council begged for better treatment of African train passengers. The same clamour was heard in the Natives' Representative Council in 1944 and 1945.⁸

Acting on behalf of coloured train passengers, the African Peoples Organisation (APO) and the infant Coloured Advisory Council (CAC) complained to the SAR on several occasions in the 1940s. At meetings with the Minister of Transport, F.C. Sturrock, and with the General Manager, the Government-appointed CAC aired grievances about the incivility of SAR staff, and about inadequate and inferior train compartments and waiting rooms. In addition, the deputations criticised the shortage of through-trains, and grumbled about the unhygienic meal service operated on board trains by SAR employees who also worked as bedding attendants, sweepers and toilet cleaners. Annoyance was expressed that coloured passengers were obliged to mix with Africans; that coloured passengers were excluded from dining cars; that bedding attendants served coloured passengers last; that coloured bedding attendants and dining-car staff (rather than coloured passengers) were allocated first-class compartments if there were no black passengers who had paid first-class fares. Echoing complaints made by the NEUF, the CAC was also to object later to the way in which the surnames of coloured passengers were prefixed only by the titles 'Male' or 'Female'.

Possibly the most despicable legacy of Railway segregation was the suspicion and intolerance which it helped spread, and the violent encounters which it sometimes sparked between black passengers and SAR staff. In 1941, twenty-seven black people reported being assaulted on trains in the Witwatersrand area. Only two convictions resulted. In 1943 two ticket examiners were fined £25, or three months imprisonment with hard labour, for beating an African and then throwing him out of a moving train. His offence was that he was travelling on an incorrect ticket. The General Manager's opinion that examiners were partly to blame for the recorded cases of "harsh and unprovoked treatment" was cool comfort for the thirty-seven white ticket examiners who in 1941 alleged assault by black passengers. Twenty-seven convictions were made. The Afrikaans press highlighted the risk to personal safety which these statistics

exposed, but the SAR regarded the newspaper reports as exaggerated and inflammatory. The recommendation that white examiners be escorted by police was turned down as "too formidable".¹⁰ Rather, modelled on a similar venture in the Police and Prisons Service, in 1944 the SAR sought to harmonise relations between black passengers and its own white employees by paying financial bonuses to staff who could demonstrate some proficiency in speaking an African language. Reception of the scheme was disappointing: after taking almost two years to finalise the details, less than five per cent of staff offered to undergo language testing.¹¹

Pressures for segregating Cape suburban trains

The first indications that racial segregation would be applied on Cape Town's suburban railways emerged toward the end of the 1930s and in the early 1940s when racially restrictive signposting appeared in waiting and refreshment rooms, in toilets, and on platform seating at railway stations. Protest about the 'whites only' restriction at the solitary toilet at outlying Wittebome station was successful in as much as the sign was removed in 1937. This did not signify any major policy shift, however, and similar signs appeared in greater profusion later.¹² Also in the early 1940s, racially restrictive signs of sorts were posted on some suburban carriages. At first, coaches were merely labelled 'reserved', without any explicit indication that they were for whites. This delicacy amounted to vagueness, and was the reason a magistrate acquitted the Secretary of the Cape Coloured Corps of the charge laid in 1941 that he had travelled in the 'wrong' carriage.¹³ The judgment was no doubt welcome personally, but it did not imply that segregation had been outlawed.

Creeping racial segregation on Cape Town's suburban railway trains and stations must have delighted many whites even though it occurred late, slowly and rather haphazardly. Frustration at the tardiness of the SAR was articulated most often by the National Party Member of Parliament for

Mossel Bay, Dr P.J. van Nierop. His obsession with railway services on which racial segregation had either not been perfected, or had never been applied, was first revealed in the House in 1940. Thereafter van Nierop pursued his politically-inspired campaign relentlessly. His main target was the hapless Minister of Transport, Sturrock, whom he goaded with questions. Together with Members representing the politically conservative Orange Free State constituencies of Bloemfontein, Boshof, Ladybrand, Losberg, Vredefort and Winburg, he challenged Sturrock about blacks eating meals in dining saloons, sharing crockery and cutlery with white passengers, and being served by white stewards. Appeals were also made to the Minister to police racial segregation on trains more effectively, and to meet white people's objection to black people crowding them in trains and jostling them at railway stations.¹⁴ Regarding Cape Town's suburban services in particular, Sturrock was nagged by van Nierop (as well by Members elected from other constituencies remote from Cape Town), to stop the deteriorating position on trains by reserving accommodation for whites in both first- and second-class. He also insisted that whites be screened from the kind of foul-mouthed and disorderly conduct of coloured people such as occurred on trains and platforms during the Easter weekend in 1945.¹⁵

Sturrock replied to criticisms about infringements of racial segregation on main-line trains by refuting allegations, by admitting lapses and promising to correct them, and by noting the impracticality of hard-and-fast rules. For example, he stated that certain Indians, such as visiting army officers, were admitted occasionally into dining-cars.¹⁶ Regarding racial mixing on Cape Town's suburban trains, Sturrock observed that it was SAR practice in the Cape to abide by local social conditions and opinion. The Railways, he said, "cannot be pioneers of social reform".¹⁷ 'Repression' might have been a more apt noun. It was Sturrock's view, in any event, that the degree of mixed-race travel on Cape suburban trains had been "grossly exaggerated", and that better

marshalling of the first-, second- and third-class coaches would help to keep the races apart on the trains and the platforms. The Minister also reminded his critics that racial segregation was more difficult to implement in Cape Town than elsewhere in the country. Quite apart from its more liberal tradition, the presence of relatively large numbers of coloured people was a severe complication. The difficulty was whether to accommodate them with whites, with other blacks, or on their own; how to do so without offending either whites or coloureds; how to do so without incurring vast expense; how to do so without inviting demands from Africans that provision be made for segregation along ethnic or tribal cleavages.

In Sturrock's view, effective racial segregation on Cape Town's suburban trains would have required racial divisions in at least first- and second-class, and possibly also in third-class.¹⁸ This refinement of the basic form of black - white segregation in force on most SAR services was patently impractical. Moreover, it would have been senseless and confusing in light of the absence of racial segregation on trams, buses and taxis in Cape Town. But it was more than just consistency that was at stake. As Sturrock himself emphasised, the very legality of segregating train passengers was in question, and not only in Cape Town. The unease was sown by the Cape Attorney-General who was adamant that he would not prosecute black passengers unless it could be proved that they knew in advance that coaches had been reserved for whites, and that there was also alternative accommodation provided for blacks. Independent legal advice solicited by the SAR merely confirmed the conclusion reached by the Attorney-General, and dimmed further any immediate prospects for racial segregation on Cape suburban trains.¹⁹

Despite the legal uncertainty, in 1946 the SAR appointed a committee to investigate the allocation of seating on Cape Town's suburban trains. The study did not expose any racial friction, but it did reveal that a

higher proportion of white passengers in Cape Town travelled first-class compared with elsewhere in South Africa where some second-class carriages were segregated. Even in the more expensive first-class, however, increasing numbers of black passengers sat among the whites who chose that class precisely because they disapproved of travelling with passengers of different pigmentation and habits. And, as more blacks resorted to first-class travel so as to escape the second-class crush, they lost their diffidence and became less inclined to sit close to the second-class. Shortages of second-class rolling stock aggravated the situation in both first- and second-class, and the unprofitability of Cape suburban train services scarcely warranted buying extra coaches.²⁰

Faced with this changing profile of train usage and with severe financial restrictions, the SAR Committee sought an inexpensive remedy which would convince whites that something was being done to curb racially-mixed travel. Accordingly, the Committee recommended reserving a proportion of first-class coaches on each train for whites only, and keeping all other seating racially 'neutral'. Making restrictions in favour of whites was regarded as the least offensive to black passengers because it was only whites who were being segregated. But, in fact, black passengers were discriminated against, for unlike whites, they did not have the choice of reserved as well as 'neutral' coaches. The objection might have been diluted if it was possible to use reversible signboards to restrict or derestrict coaches so as to meet fluctuations in black and white passenger traffic. But the SAR doubted the conscientiousness and sensitivity of its conductors, and was concerned anyway that many white people might be reluctant to sit in coaches which had previously accommodated black passengers. The imperative of easing the supervisory work of train conductors rather than adding to their difficulties was a strong argument in favour of dedicating certain coaches for whites.²¹

Following the recommendation of the 1946 SAR Committee, 800 racist signboards were prepared. These were never used, apparently because of objections from the Mayor of Cape Town and the CAC. With a general election in the offing, the Government was also wary of any action which might tarnish its image among coloured voters, and there were not enough coaches available at the time to ensure that new racial restrictions would be accepted with goodwill.²² It is quite probable that after the election the signboards would have been pressed into use. If only in that sense, the change of Government made little immediate difference.

Apartheid on Cape suburban trains

In May 1948 the National Party won the general election on its apartheid ticket and took office. At a press conference held on 12 August, the new Minister of Transport, Paul Sauer,²³ indicated that apartheid on Cape Town's suburban railways was imminent. But it was to be only a diluted form of segregation. As from 16 August, some, but not all, first-class suburban coaches would be reserved for use by whites. Sauer justified the step by saying that it met "the clearly expressed wishes" of the public. In a patronising fashion he had convinced himself that train apartheid was in the interests of white as well as black passengers. This was especially so since he did not intend its application to reduce the quantity or quality of services for black passengers. Even so, enforced racial segregation on railway services did generally breed ill-treatment and ill-feeling, and so he asked SAR staff to be discreet and courteous when enforcing apartheid. If conductors found black people in reserved coaches, they were to be informed politely that they were seated incorrectly; arguments were to be avoided, and no action was to be taken if they refused to move.²⁴ Although it had a new name (one even less pleasing than before), this 'apartheid' was not a brand of segregation that was more vicious than that already in force elsewhere.

Sauer's announcement left little time for the opponents of racial segregation to organise coherent protest in advance of train segregation. Nevertheless, the enraged APO lashed out at the "undemocratic", "retrograde" and "inconvenient" nature of train apartheid, and called on all blacks to help make it unworkable. The more moderate, and recently formed Coloured People's National Union (CPNU), denounced train apartheid as "a nasty slap in the face", an "outrage", a "shameful action". Editorial in the *Sun* newspaper, organ of the CPNU, condemned Sauer's "vile" and profoundly wounding insult, and excoriated him for sowing disrespect and hatred.²⁵ In other reactions published in the press, a handful of whites, including the Bishop and the Archdeacon of Cape Town, voiced their dismay at Sauer's plan. Correspondents pointed out the irony that whites employed black servants to cook their meals and care for their children, but would not share train seats. One white correspondent using the derisive *nom de plume* 'Kafirboetie', vowed never to sit in a train carriage from which blacks were excluded. But some whites welcomed the advent of train apartheid, saying, for instance, that it would stop intermarriage and prevent South Africa becoming a second Brazil.²⁶

On the day before train apartheid began, coloureds who attended a poorly publicised gathering on the Grand Parade in front of the City Hall were urged to ignore the new racial restrictions. The meeting was addressed by leading Communists, including the Secretary of the Cape Town branch of the Party, F. Carneson, and the lawyer and City Councillor, Sam Kahn.²⁷ The following day, Monday 16 August, there was little sign of active protest. Martyrs were not sprawled across the rails, and there were no unpleasant scenes on the stations or in the trains. Out of sight, however, limited protest did erupt, and more was beginning to ferment. Hate-mail sent to Sauer threatened that railway stations would be blown up and that SAR officials would be killed. Both verbally and by means of notices pasted inside railway coaches, blacks were asked to boycott the trains or to occupy coaches reserved for whites. Pupils in some

classes at Cape Town's three coloured schools were encouraged by their teachers to sit in their customary places on trains and to ignore official instructions to move. Whether or not out of mistaken identity, a party of Chinese schoolchildren were turned out of a 'white' suburban coach in September 1948.²⁸

Various coloured political organisations gave their attention to train apartheid. For its part, the CAC asked coloured people to observe the new travel arrangements rigidly and to confine their protest to prayer. Pushed to the extreme, the CAC indicated somewhat fatuously that it might lodge a protest with the United Nations. Other coloured organisations preferred more aggression, but there was no unanimity of approach. Reflecting their diametrically opposed ideologies, the Communist Party wanted mass civil disobedience, whereas the Non-European Unity Movement (NEUM) and its affiliates (including the Teachers League of South Africa and the remnants of the APO) favoured boycotts and petitions. For a time it appeared that the deep and crippling political divisions in the coloured community would be overcome: on 18 August, thirty or so black organisations met to launch the Train Apartheid Resistance Committee (TARC).²⁹

In the initial stages of train apartheid in Cape Town there were bound to be people who entered the carriages in which they habitually sat, only to find they were in conflict with new racial designations. The authorities overlooked accidental contraventions for three weeks, but premeditated infringements of apartheid were not tolerated. Accordingly, summonses to appear in court were issued to those who arranged and spoke at the August 15 gathering. Subsequently, eleven people, including the activist Ben Kies and a sixteen year-old white boy, were apprehended for illegally distributing handbills urging black people to disregard the new colour bar.³⁰ These arrests were not followed by prosecutions, and seem to have been intended only as warnings. Matters were different for the

organisers of the TARC rally which took place at the Grand Parade on Sunday 5 September. At this mass gathering of between 3 000 and 4 000 people, it was decided to smash train apartheid by packing 'white' carriages with black 'volunteers' who were "willing to risk imprisonment and worse". At the conclusion of the meeting, the Secretary of the TARC (who was also General-Secretary of the APO), A.E. Abdurahman, urged the protesters to walk to the railway station peacefully, but to disregard racial restrictions when boarding carriages. Accounts vary about what happened at the station. One version of events is that 300 'volunteers' did no more than delay the departure of one train for thirty minutes. Another version is that after one train had departed with black people sitting where they pleased, fifteen policeman cordoned off the 'white' coaches during the arrival and departure of several other trains so as to prevent a repetition.²¹

After the rally, and after a second TARC-sponsored mass meeting on 22 August,²² Abdurahman and nine other TARC leaders appeared before a local magistrate on the three charges of inciting public violence, promoting racial hostility, and encouraging transgression of train apartheid. Defending his clients, Advocate Gerald Gordon argued successfully that they had taken pains to ensure peaceful protest; that extracts from their speeches had been quoted out of context; that their texts had been no more inflammatory than those read simultaneously in pulpits and at other public gatherings such as those addressed by Government Ministers. In the end, Abdurahman alone was convicted and fined £5 with an option of seven days imprisonment. The magistrate dismissed the argument that he had committed no crime in exhorting people to ignore invalid regulations. Later, on appeal, a Supreme Court judge agreed that the 1918 Railway regulations were not themselves *ultra vires*. Apparently it was of no bearing that the terms 'European' and 'non-European' were vacuous and offered no guide to conductors who had to seat Chinese and Japanese passengers; that the nomenclature 'whites' had not been translated properly into Afrikaans;

that anthropologists insisted that physiological appearance was an insufficient criterion for ascertaining anybody's racial classification.³³

The campaign of resistance to suburban train apartheid in Cape Town which was mounted in September 1948 was only a partial success. Sustained mass protest never materialised. By November only 450 'volunteers' had been recruited, a quarter of the number which the TARC had hoped for. The TARC never managed to win support from trade unions, and the tenuous political alliance was shaken by the withdrawal of the Communists who saw that the tactic of mass resistance was doomed. The failure to mobilise more resistance was partly because the segregation of first-class carriages was only of direct relevance to affluent, middle-class coloureds. Africans, and the coloured working class, had more to be anxious about than Sauer's own statement that, in time, segregation could be extended to the second-class carriages in which they generally travelled.³⁴ In particular, attention was deflected from the train apartheid question by the threat that coloureds would be stripped of the vote and relocated from their 'homes' to designated racial ghettos. Finally, the Government's firm response to protest about train apartheid was discouraging. Not only was Abdurahman arrested and convicted, but together with his fellow schoolteacher Kies, he was warned by the Superintendent-General of Education that his political activities placed his job at risk.³⁵

Such orchestrated resistance as did occur failed dismally to reverse or even delay train apartheid in the Cape Peninsula. Individual protest was seldom any more successful. In 1950, three coloured men were tried by a magistrate on charges of refusing an SAR official's request to leave a railway coach reserved for white passengers. They were fined £1 each. Some protesters escaped more lightly. After the particularly petty and hurtful arrest of a young Malay schoolmistress who refused to stop leaning

against an unoccupied 'white' platform bench at suburban Salt River station, the magistrate simply admonished and discharged her. Similarly, the veteran Indian passive resister, Nana Sita, who was arrested for walking through the 'wrong' exit at Pretoria railway station, was exempted from the 5s. fine imposed by a magistrate: a higher court declared that the racially restrictive signposting on the station was illegible.³⁶ These incidents at railway stations occurred after the beginning of a new phase of architectural modifications and extensions designed to enhance the application of apartheid countrywide.

As from the second half of 1949, blacks were excluded from the main concourse at Johannesburg station, as well as from the subway leading to it. They were now confined to one point of access to a section which had been set aside for their use since 1932. The new arrangements, which were branded as 'humiliating' and 'insulting' by the President-General of the ANC, Dr A.B. Xuma, also required that black messengers sent to buy train tickets for whites would have to use the 'black' ticket office.³⁷ According to Sauer, the apartheid which had been introduced at Johannesburg would be applied piecemeal at all railway stations in South Africa as and when possible.³⁸ By the end of 1949, apartheid was in force at Germiston station, and at two bridges and pedestrian subways at Cape Town's Bellville and Wynberg stations. The authorities had also considered the prospects for apartheid ticketing and restricted concourse access at the main railway stations in Cape Town, Port Elizabeth and Pretoria.³⁹ The new arrangements did not always provide for exhaustive racial or class separation. At least one coloured woman pleaded for distinctive facilities for "respectable" coloureds who deplored sharing with "every undesirable and Native". Even when provision was made for class differentiation among black passengers, it was not always adequate. In this regard the CAC could criticise the way in which African third-class passengers wearing primitive clothes congregated in the

first- and second-class 'non-European' waiting rooms at rural stations.⁴⁰

Testing racial inequality

After its first flurry, protest about Railway apartheid in Cape Town subsided. Following its explosive public entry into protest politics in September 1948, the TARC crumbled amid a bitter feud. Then, pending Abdurahman's retrial in the Appeal Court, in May 1949 the Government amended the 1916 Act ostensibly to strengthen the SAR's powers in regard to accommodating passengers of different race. The legislators apparently had failed to grasp the nature of Abdurahman's challenge, however, and the inclusion of a new clause permitting racial exclusion from entire trains was only a more explicit phrasing of powers which the SAR already had. The step was little publicised, and Kahn, the Natives' Representative, was the only one to protest strongly.⁴¹ Despite its substantive flaws, the amendment nevertheless meant that when finally Abdurahman won his appeal in May 1950, the verdict was academic: the regulations under which he had been prosecuted originally had been superseded, and Railway apartheid would have to be contested in terms of the amended law. Although the outcome of Abdurahman's trial was a hollow victory for the opponents of racially segregated transport, the judgment did establish a useful legal precedent. Five Appeal Court judges held unanimously that although Act 22 of 1916 was not itself *ultra vires*, the particular reservation of suburban coaches in Cape Town had been void because it had resulted in substantial inequality. Their argument was that although the Act authorised racial discrimination, this could, and should, be achieved without partiality. For instance, alternate carriages on a train could be reserved for the exclusive use of black and white passengers. In Cape Town, however, train apartheid discriminated unfairly against black passengers. Whereas whites had the right to use every portion of a train, black passengers did not, and only they could

be punished criminally.⁴² Action was not always taken against black passengers, however. In 1951, two coloured people who were ordered out of an unreserved first-class coach by a railway constable at the request of two whites, received an apology from the System Manager at Cape Town.⁴³

Resistance to Railway apartheid revived in 1952 as part of the nationwide Defiance Campaign launched by the ANC, the South African Indian Congress and the South African Coloured Peoples' Organisation. The programme of civil disobedience was targeted at unjust laws, and was to involve entering black residential locations without a permit, breaking curfews, and ignoring racial restrictions in post offices, trains and railway stations. At the start of the campaign, thirty black people provocatively walked through the 'white' entrance of the railway station at New Brighton township (an African 'location') on the outskirts of Port Elizabeth.⁴⁴ Then, early in August, shortly before the Defiance Campaign reached its peak, a twenty-two year-old African labourer, George Lusu, and ten others, stalked into a 'white' waiting room at Cape Town railway station. They refused to leave when asked to do so by a policeman. Despite Lusu's arrest, fifty-six other black people followed his example and defied train apartheid in August by boarding 'white' coaches at Cape Town's main station as well as at Salt River station. In Durban, in the same month, twenty-one African men and women occupied the 'white' waiting room at the Berea railway station which, like that at New Brighton, served mostly Africans. Four coloured men were arrested for defying apartheid at Vereeniging railway station in the Transvaal, and later, in November, a group of Africans occupied the cloak-room and booking hall reserved for whites at the main railway station in Durban.⁴⁵

Lusu's legal defence before a Cape Town magistrate was conducted by Sam Kahn.⁴⁶ He argued successfully that Lusu's arrest was void because of the unfair discrimination in waiting room accommodation at Cape Town

station. Inspection of the building left the magistrate in no doubt that facilities for black passengers were "greatly inferior". Aside from discrepancies in furnishings, the three waiting rooms for whites were one-and-a-half times bigger than the two waiting rooms in the second- and third-class which were reserved for black passengers; there were twice as many lavatories for whites; train departure announcements were inaudible in the third-class waiting room.⁴⁷

As if in celebration of Lusu's acquittal on 25 August, the very next day thirty African men boarded a train at Cape Town's suburban Mowbray station and sat in a compartment reserved for whites. In the ensuing legal case in which Kahn this time defended W. Zihlangu, the magistrate ruled that the SAR was not obliged to reserve coaches for black passengers just because it also reserved coaches for white passengers. With the concurrence of a second magistrate, Zihlangu was fined £15 or three months imprisonment. The sentence did not deter eight people from defying train apartheid at suburban Elsie's River station.⁴⁸

Lusu and Zihlangu were not the only civil rights campaigners who were arrested for defying Railway apartheid. In Johannesburg, also in August 1952, small groups of Africans twice challenged the apartheid which prevailed at the city's main railway station. Late at night, in both instances, twenty or so people chanting 'Africa, Africa', marched onto a platform, paraded in the concourse, and used the adjoining 'whites-only' staircases. The leaders, Mozumba and Lepile, were charged with contravening Railway regulations and were respectively sentenced to a £5 fine or 25 days imprisonment with hard labour, and a £10 fine or 2 months imprisonment with hard labour. Lawyers acting for both men appealed against the conviction and sentence. In judgments handed down at the end of 1952, however, the Transvaal Supreme Court declined to reverse the magistrates' decisions and thereby confirm allegations about substantial racial inequality at Johannesburg station. Acting for Mozumba, the

attorney and ANC leader, Nelson Mandela, pointed out that there were no signs which prevented whites from using staircases other than those reserved for their exclusive use. The defence attorney for Lepile based his argument on the fact that the racially restrictive notices were not in any African language, and that demolition of the waiting room for blacks meant that they only had use of an inferior, temporary facility.⁴⁹ The matter of which inequalities were acceptable and which were indefensible was to become a key issue in future.

Legislating racial inequality

In March 1953 the highest court in the land ruled by a majority of four to one against the Crown's quest to reverse Lusu's acquittal.⁵⁰ The 1949 amendment to the 1916 Act was deemed not to have altered the original version substantially to permit racial inequality. The Appellate's verdict was a glorious victory for Lusu, for Kahn, and, temporarily, for all black South Africans. Zihlangu was the first to benefit directly from the legal precedent: the appeal conducted on his behalf before the Cape Supreme Court by Advocate Gordon succeeded.⁵¹ The verdict was less welcome in Government circles. It effectively nullified the 1949 amendment, and implied that the SAR had applied train apartheid illegally for over four years. Even from the Government's point of view, however, the outcome of the trial was not entirely negative: the verdict only exposed a weakness, it did not prevent it being repaired. From the Lusu case the Government learned that there was just one more step to take before it could segregate trains and railway stations with impunity once and for all: it had to pass legislation which made explicit that racially segregated facilities did not also have to be identical, or even alike, either in number or kind.

The Appeal Court gave its decision in the Lusu case three weeks before the 1953 general election. Eager to avoid anything that would enhance

the electoral chances of the National Party, black leaders refrained from flooding public amenities reserved for whites. The Nationalists, however, exploited the propaganda value of the verdict for all it was worth. In derogatory language that scorned the law and abused the judiciary, Sauer spelled out for colour conscious whites that the "old men" of the Appellate had unilaterally decided that blacks could go into any dining room at any railway station, and that they could even travel in first- and second-class 'white' coaches. As the Party's mouthpiece, the Afrikaans press played up the Lusu judgment "more than any other single issue during the election campaign".⁵²

True to the electoral promises made by Prime Minister D.F. Malan and Justice Minister C.R. Swart,⁵³ the re-elected and re-invigorated National Party wasted no time redressing the "chaos and confusion" into which the Appellate supposedly had plunged the country. The instrument chosen to get apartheid back onto the rails was legislation aimed at the 'Reservation of Separate Amenities'. Minister Swart brought the Government's proposal to Parliament in August 1953. Although it was designed for application to a wide range of public facilities, it was primarily a response to the train apartheid crisis. Accordingly, discussion about the justification for racially segregated trains and railway stations figured prominently.

The view of the Government was simple: racial mixing on trains and at railway stations threatened to undermine white dominance and racial purity; the courts could not be entrusted with political matters and could not be allowed to undermine the authority of the Government; Parliament had never intended that segregated railway services for blacks and whites should be perfectly equal.⁵⁴ Harking back to the old debate about the transport entitlements of different ethnic groups, and building on the objection of the dissenting judge in the Lusu trial, Swart argued that nobody would have dreamed of building 'separate-but-equal' railway

stations, and operating 'separate-but-equal' luxury trains for Africans, coloureds, Indians, whites and also "bushmen from the Kalahari". Rather, provision would be guided by affordability and the "level of civilisation" of train users. In this last respect, P.W. Botha (then Secretary of the Cape branch of the National Party, and later State President) probably spoke the opinion of many in saying that black people were "hundreds of years behind" whites and could only expect to enjoy the same rights and privileges when they had caught up.⁵⁵

The official opposition in Parliament did not reject the Government's proposed legislation. Instead they suggested an amendment which showed that they were prepared to allow even substantial inequality on the SAR, but only if it was not manifestly unreasonable or capricious. The aim was to ensure that apartheid was applied humanely, that blacks were not left without any transport whatsoever, and that as disenfranchised people, they had recourse to the courts.⁵⁶ This strategy was compromising and defeatist, unlike the hostile and decisive opposition from Members of the Labour and Communist Parties, and from the Natives' Representatives. Sharing their anticipation that enactment of the callous Separate Amenities legislation would invite tyranny and take the country to the edge of the abyss, the veteran Parliamentarian, W.H. Stuart, recalled the debate over the 1916 Act. Unlike either Swart or the solitary dissenting judge in the Lusu case, he could say with some authority that Parliament had never then intended SAR patrons to be treated unequally. Stuart also remarked on the slide from the "common-sense" differentiation of the past, to the ruthless, pernickety, more insulting strain of apartheid that was being engineered. Among its more odious features were separate laundering of bedding and towels used by black and white passengers, and the stipulation that Chinese people be in possession of a certificate from their Consul endorsing that they were "of standing" before they could travel in 'white' carriages. This concession only applied to main-line trains, and carried the proviso that

Chinese people did not share accommodation with white people and did not enter dining-cars. Since premiums were payable on singly-occupied compartments, the restriction was costly.⁵⁷

Objections to the proposed Separate Amenities legislation were to no avail. Soon the right to discriminate in the quality and quantity of public amenities on racial grounds was inked into the growing number of South African statutes which rejected equalitarian values, denied moral obligation and were a naked assertion of self-interest.⁵⁸ The discrimination which had previously been implicit (and which had survived because it had been unchallenged) now became explicit (Act 49, 1953). Racism on the Railways was launched on a new phase: the old philosophy of 'separate-but-equal' was jettisoned and replaced by an invincible condonation of travel arrangements which were 'separate-and-unequal'. The stage was now set for the elaboration of racism on trains and at railway stations in every way possible. The new Railway senior administration was sympathetic to the National Party and co-operated without a murmur.⁵⁹ The organisation went to the lengths of recruiting Italian waiters to serve whites in dining-cars. Twenty coloured booking clerks were hired to serve black passengers. Station buildings were segregated with vigour, and even duplicated. It was rumoured that at Ficksburg, a small town in the Orange Free State, a second railway station would be erected specifically for blacks. At Cape Town, reconstruction of the station was tantamount to building two, and gave the architects of apartheid an ideal opportunity to set their dreams in concrete.⁶⁰

Shielded by tougher laws (including the 1950 'Population Registration' which removed all ambiguity about the racial classification of coloured people), and pandering to a more sympathetic white electorate, the SAR began investigating the feasibility of racial segregation in second-class suburban coaches in Cape Town in 1953. Five years passed, however, before re-electrification of track and the delivery of the required additional

rolling stock allowed for finalisation of racial segregation in the second-class.⁶¹ The frequent postponements corroded the public hostility that might otherwise have occurred. By 1958 some coloured people had even come to welcome the extension of train apartheid. For one thing, it would end the "abominable selfishness" of whites who occupied 'neutral' coaches (because they stopped at convenient places alongside station platforms) and who thereby denied seating to coloured people who had nowhere else to travel. Furthermore, there would be an end to the objectionable manner in which some whites took apartheid with them into the racially unrestricted coaches and refused to sit next to coloureds. And, in the second-class, coloured passengers would no longer be compelled to sit next to white workmen in dirty clothes.⁶²

Even in the period of intensified Railway apartheid in the 1950s, black people were not entirely mesmerised by regulations, or dissuaded from protest by heavy fines. They would occasionally risk infringements, as when running for a train, despite penalties which could be harsh. In the vicinity of Johannesburg, in 1955, an African who leapt into a 'white' coach at Westbury station was hit in the face by a white occupant and fell unconscious onto the platform. In another case a black man who accidentally boarded a 'white' second-class carriage was kicked and beaten by two SAR employees. In the Cape, several people were given fines ranging from £5 to £10 for sitting on a 'white' bench at a railway station; for using a 'white' exit; for boarding a 'white' coach (twenty-seven people). In one instance, thirty-four coloureds were locked into a 'white' carriage after refusing to leave at the request of a ticket examiner.⁶³

As was the case before 1948, these institutionalised facets of Railway apartheid were not the only expressions of racism. Apartheid also meant uncivil and dilatory service from SAR booking clerks and conductors; inferior and dirty facilities; inadequate provision for class

differentiation among black passengers. The insult to coloured people was expressed vividly by one newspaper columnist in 1956: "Every day of his life the Coloured railway user, whether hooligan or clergyman, will be reminded that his place is with the Native, whether professor or savage."⁶⁴ This hated classlessness was discussed at meetings of the first SAR passenger liaison committee that took place in the mid-1960s.⁶⁵ Together with the usual grievances about paying the same fares as whites on a class-for-class basis, but getting inferior treatment, the matter was raised again by the newly established Coloured Persons Representative Council in the early 1970s.⁶⁶

Conclusion

Racial segregation on trains and at railway stations in South Africa had been evolving for seventy years or so by the time it reached its zenith in the period 1955-1975. When finally it attained this pinnacle of development, it was because of the rising tide of political nationalism which pitted black grievances and aspirations against white fears and hopes. Conditions on the Railways in the 1930s and 1940s gave ample scope for the expression of these emotions, but left the Government of the day equivocal about regulating train usage by passengers of different race in a fashion more strictly than the 1918 regulations allowed. This was especially so in the Cape Town metropolitan area where racial segregation had always been spontaneous rather than prescribed.

After the election of the apartheid Government in 1948, racial intermingling on Cape Town's suburban railway services was more than just an anomaly, it was a political embarrassment. Accordingly, following a programme not unlike that which the previous Government had itself been on the verge of starting in Cape Town, partial but obligatory segregation was introduced. This was the only immediate step taken by the new Government as regards train passenger segregation. No new acts were

promulgated by Parliament; no new regulations were devised by the SAR; no changes were made to train segregation in other parts of the country.

The localised and limited efforts of the new Government in 1948 hardly signalled a new era of racial segregation on the SAR. Beyond Cape Town, train users travelled as before. In Cape Town, commuters confronted *de jure* rather than *de facto* segregation in only some first-class carriages. They had not been plunged into a form of segregation of unprecedented severity without first passing through phases of segregation which had been in vogue on other lines. Diluted though it was, the novelty of enforced racial segregation in Cape Town was enough to spark protest: train passengers there had not been inured by decades of discrimination. It was this response, and the Government's legislative reaction to it in 1953, which were the dawn of a new period of railway racism in South Africa.

On the Railways, the transition from pre-1948 segregation to post-1953 apartheid entailed primarily a move toward constitutionally unlimited segregation. Racial inequality was not exactly proscribed, but it was condoned officially. Segregation was first fortified to permit this inequality, and thereafter, especially in the 1960s, it could be intensified without fear of challenge. This switch was not a simple metamorphosis, nor was it deliberately planned by the new Government. It was not a response to any irresistible dissatisfaction which white passengers on other trains in the country suddenly developed. Nor was the transition the Railway's administrative answer to difficulties which had suddenly emerged in implementing thirty-year old procedures for racial separation. Rather, the switch was devised to address a serious challenge to the *introduction* of segregation in one particular locality, and to pre-empt similar challenges elsewhere to *established* segregation.

What had begun as a parochial affair was, in the end, monumental. The widening and deepening of train apartheid struck deeper at the dignity and hope of all black people. As such, their resistance was synonymous with defending civil rights; the assault on heavy-handed Railway apartheid was part of a more general confrontation with the barrage of repressive measures such as enforced residential segregation, and a colour bar in the voters roll. When apartheid on the SAR was finally secured, it paved the way for more pervasive racial segregation in other public amenities such as libraries, beaches and swimming pools, parks, theatres, restaurants, hotels and hospitals. Not least, the advent of racially segregated trains and railway stations in Cape Town was a setback to the prospects for continued racial integration on the city's public bus and taxi services.

Notes

- ¹ Pirie, G.H., Racial segregation on South African trains, 1910-1928: entrenchment and resistance. *South African Historical Journal*, 20 (1988), 75-93; *Idem*, 'A most difficult and delicate question': racial segregation on the Central South African Railways, 1902-1910. *Journal of Transport History*, 10 (1989), 113-127.
- ² *Star*, 3 July 1931; 5 May 1934; 3 February 1938; *Bantu World*, 28 November 1936; *Umteteli wa Bantu*, 24 December 1938.
- ³ *Cape Standard*, 1, 8 October 1940. The short-lived NEUF was presided over by the communist, Mrs Z. Gool, daughter of Dr A. Abdurahman, and City Councillor for District Six in Cape Town.
- ⁴ South Africa (Union), Report of the Commission of Inquiry regarding the Coloured Population of the Union (U.G. 54-1937), Government Printer, Pretoria, 1937, paras. 35 and 1026.
- ⁵ *Cape Standard*, 3 August 1937; 14 March, 31 October 1939; 28 May 1940; 19 August 1941.
- ⁶ *Cape Standard*, 11 October 1938.
- ⁷ *R. v. Herman*, 1937 A.D. 168; *Chasie v. R.*, 1946 N.P.D. 431.
- ⁸ *Bantu World*, 26 February 1938; Central Archives Depot (Pretoria) (CAD), MVE 1083 (538/79/42): Honorary Secretary, Joint Council of Europeans and Africans, to Administrative Secretary, Office of Minister of Railways and Harbours, 10 March 1942; South Africa (Union), Verbatim Reports of the Natives' Representative Council, Vol. 1 (1944), pp. 195-210; Vol. 2 (1945), pp. 143-150.

- ⁹ CAD, SAS 1960 (RMT 214/1): CAC statement to Minister of Transport; Notes of interview between Minister and CAC deputation, 19 April 1944; *Sun*, 27 August 1943; 26 July 1946; 7 March 1947; Cape Archives (Cape Town) (CA), CA, KUS 312 (SWL 2/6/11): Secretary for Social Welfare to General Manager, 13 February 1950. See also Patterson, S., *Colour and Culture in South Africa* (London, 1953), footnote 32, p. 286.
- ¹⁰ CAD, MVE 1083 (538/79/42): General Manager to Minister of Railways and Harbours, 10, 14 January 1942; *Hansard*, 16 January 1942, col. 264; *South African Outlook*, 1 May 1943, p. 64.
- ¹¹ CAD, MVE 1084 (538/79/67): General Manager to Minister of Transport, 3 November 1944; 28 September 1946.
- ¹² *Sun*, 15 January 1937; 22 October 1943; 18 August 1944; *Cape Standard*, 20 July 1936; 26 July, 30 August 1937.
- ¹³ *Cape Standard*, 6 May 1941.
- ¹⁴ *Hansard*, 30 August 1940, col. 212; 20 February 1942, col. 2433; 27 April 1943, col. 6348; 17 February 1944, cols. 1475-6; 22 February 1944, col. 1782; 17 March 1944, col. 3330; 8 February 1946, col. 1348; 19 February 1946, cols. 1941-2; 24 March 1947, col. 1542.
- ¹⁵ *Hansard*, 9 February 1945, col. 1049; 17 April 1945, cols. 5449, 6913; 5 March 1946, col. 2926; 22 January 1946, cols. 80-1; 20 February 1946, cols. 2041, 2044, 2048; 7 May 1946, cols. 6921-2 and 6924.
- ¹⁶ *Hansard*, 20 February 1942, col. 2433; 28 April 1944, col. 6036; 8 February 1946, col. 1348; 19 February 1946, col. 1941.
- ¹⁷ *Hansard*, 23 February 1944, col. 1852.
- ¹⁸ *Hansard*, 22 February 1946, cols. 2233-4; 6 March 1947, col. 549.
- ¹⁹ *Hansard*, 28 February 1945, col. 2511; 22 February 1946, col. 2232; South Africa (Union), Parliamentary Annexure No. 226, 1947: 'Mixed travelling on trains'.
- ²⁰ South African Transport Services Library (Johannesburg): South African Railways, Report of Committee Appointed to Investigate the Allocation of Accommodation on Suburban Passenger Services in the Cape Peninsula, 1946.
- ²¹ *Ibid.*
- ²² *Hansard*, 5 March 1947, cols. 502-3; 6 August 1953, col. 2138.
- ²³ He was the son of J.W. Sauer, Minister of Railways, 1910-12.
- ²⁴ South Africa (Union), Parliamentary Annexure No. 86, 1948: 'Separate coaches for Europeans'; reproduced in *South African Railway News*, September 1948, p. 159. Also enclosure in CA, CSC 1/3/1/73 (68/1949): Private and confidential memorandum from System Manager, Cape Town, 14 August 1949: 'Separate accommodation on trains for persons of different race'.
- ²⁵ *Eastern Province Herald*, 14 August 1948; *Sun*, 20 August 1948.

- ²⁶ *Cape Times*, 16, 17, 28 August 1948.
- ²⁷ *Daily Despatch*, 22 September 1948. Other prominent Communists at the gathering were J. la Guma, H.A. Naidoo, J. Nkatlo and M. Kotane, Party General-Secretary and also Secretary of the NEUF.
- ²⁸ *Burger*, 16 August 1948; *Argus*, 19 August 1948; *Sun*, 20 August 1948; *Daily Despatch*, 1 October 1948.
- ²⁹ The Communists in the TARC were Kahn, Carneson, Z. Gool and la Guma. The NEUM representatives included Dr G.H. Gool, B.M. Kies and R.E. Viljoen. Donaldson, R., *The Train Apartheid Issue in the Cape Peninsula, 1948-1953*. Unpublished B.A. (Hons.) research essay, History Department, University of Cape Town, 1981; Karon, T., "Vryheid nie op 'n skinkbord nie": the Coloured Peoples Congress and National Democratic Struggle in the Western Cape. Unpublished B.A. (Hons.) research essay, History Department, University of Cape Town, 1983, pp. 88-99; Goldin, I., *Making Race: The Politics and Economics of Coloured Identity in South Africa* (Cape Town, 1987), p. 266; Lewis, G., *Between the Wire and the Wall: A History of South African 'Coloured' Politics* (Cape Town, 1987), pp. 108-109.
- ³⁰ *Argus*, 19 August 1948; *Daily Despatch*, 22 September 1948.
- ³¹ *Cape Times*, 7 September 1948; *Forum*, 11 September 1948.
- ³² *Cape Times*, 23 August 1948.
- ³³ CA, CSC 1/3/1/73 (68/1949), Case A 255/1948, *R. v. Gool* and nine others; *Sun*, 15 October 1948; *Daily Despatch*, 22 September, 1 October 1948; *Argus*, 21 June 1949. The nine other TARC members who were arrested were G.L. Abrahams, F. Carneson, Z. Gamiet, G.H. Gool, Z. Gool, B.M. Kies, H.A. Naidoo, R.E. Viljoen and D.H. Wessels.
- ³⁴ *Cape Times*, 14 August 1948.
- ³⁵ Donaldson, *op. cit.*
- ³⁶ *Sun*, 17 March 1950; *Friend*, 3 June 1950; *R. v. Sita* 1950 (3) T.P.D. 460. In the 1952 Defiance Campaign, Sita led the busting of the curfew restrictions in Boksburg: Lodge, T., *Black Politics in South Africa Since 1945* (Johannesburg, 1983), p. 43.
- ³⁷ *South African Railways News*, No. 11, November 1948, pp. 211-212; *Rand Daily Mail*, 5, 11 July 1949; *Bantu World*, 16 July 1949.
- ³⁸ *Daily Despatch*, 8 August 1949. Among world railway stations, Johannesburg's has achieved notoriety as "one of the most potent monuments to racial segregation": Richards, J., MacKenzie, J.M., *The Railway Station: A Social History* (Oxford, 1988), p. 91.
- ³⁹ Historical Papers, University of the Witwatersrand, AD 1433, Cp 9.3: Report of Honorary Secretary, Pretoria Joint Council, 18 November 1949; *Rand Daily Mail*, 6 August 1949; *Cape Times*, 30 July, 10 August 1949; *Eastern Province Herald*, 15 August 1949.
- ⁴⁰ *Sun*, 25 February 1949; CA, KUS 312 (SWL 2/6/11): Secretary for Social Welfare to General Manager, 13 February 1950.

- ⁴¹ *Hansard*, 16 June 1949, cols. 8344-6. Government Notice No. 2366, 8 November 1946, repealed by Notice No. 1911, Government Gazette, 16 September 1949.
- ⁴² *R. v. Abdurahman* 1950 (3) A.D. 136.
- ⁴³ *Guardian*, 14 June 1951.
- ⁴⁴ Lodge, *op. cit.*, p. 43. In 1952 the Port Elizabeth City Council supported a request from Africans to the SAR that apartheid at New Brighton railway station be abolished. *Natal Mercury*, 19 November 1952.
- ⁴⁵ *Clarion*, 14 August 1952; *People's World*, 21 August 1952; 4 September 1952; *Bantu World*, 11 October 1952; Kuper, L., *Passive Resistance in South Africa* (London, 1956), p. 126.
- ⁴⁶ By this time Kahn had been expelled from Parliament because he was a member of the outlawed Communist Party. He had also resigned from the Cape Town City Council for the same reason.
- ⁴⁷ CA, CSC 1/3/1/91 (219/1952): Documents pertaining to the case of *R. v Lusu*; *Sun*, 29 August 1952.
- ⁴⁸ *Sun*, 3 October 1952; *People's World*, 30 October 1952.
- ⁴⁹ *R. v. Mozumba* 1953 (1) T.P.D. 235; *R. v. Lepile* 1953 (1) T.P.D. 225.
- ⁵⁰ *R. v. Lusu* 1953 (2) A.D. 484.
- ⁵¹ *R. v Zihlangu* 1953 (3) C.P.D. 871.
- ⁵² Kuper, L., *op. cit.*, p. 145; Carter, G.M., *The Politics of Inequality* (New York, 1977), p. 170; *Sun*, 2 March 1953.
- ⁵³ *Sun*, 2 March 1953.
- ⁵⁴ It is conceivable that because the SAR was a publicly owned monopoly, Parliament could very well have intended identical accommodation and facilities for black and white passengers irrespective of their ability to pay equally. Moreover, if minimising cost was the guiding consideration, extra expense could always have been avoided by not discriminating and duplicating facilities. Forsyth, C.F., *"In Danger for Their Talents": A Study of the Supreme Court of South Africa from 1950-1980* (Cape Town, 1985), p. 98.
- ⁵⁵ *Hansard*, 6 August 1953, cols. 1055-6; 20 August, col. 2015; 21 August, col. 2087; 25 August, cols. 2234, 2278; 27 August, col. 2438.
- ⁵⁶ *Hansard*, 20 August 1953, col. 2035; 24 August, col. 2139; 27 August, col. 2431.
- ⁵⁷ *Star*, 13 February 1951; *Hansard*, 6 April 1951, col. 3380; 21 August 1953, cols. 2067-8; 24 August 1953, col. 2156.
- ⁵⁸ Kuper, *op. cit.*, pp. 59-60.
- ⁵⁹ The SAR's General Manager since 1945, W. Marshall-Clark, was forcibly retired in 1950 and replaced by a political appointee, W.H.L. Heckroodt.

- ⁶⁰ *Sun*, 2 April 1953; *Argus*, 8 February, 29 December 1956; *Torch*, 4 November 1958; *Cape Times*, 9 February 1956; *Contact*, 7 March 1959.
- ⁶¹ *Cape Times*, 3 August 1953; 8 October 1954; 21 October 1955; 14 April 1956; *Burger*, 28 January 1956; *Torch*, 13 July 1954; *Sun*, 3 March 1950; 23 July 1954.
- ⁶² *Sun*, 3 March 1950; 23 July 1954.
- ⁶³ *Bantu World*, 4, 11 June 1955; *Forward*, 22 July 1955; *Torch*, 9 June 1953; 5 April, 1955; *Sun*, 12 August 1955.
- ⁶⁴ *Cape Times*, 31 July 1952, 9 February 1956; *Sun*, 6 March 1953.
- ⁶⁵ *Cape Times*, 18 November 1965; *Rand Daily Mail*, 9 March 1968.
- ⁶⁶ South Africa (Republic), *Debates and Proceedings of the Coloured Persons Representative Council*, Vol. 9 (1971), pp. 470-486; Vol. 14 (1972), pp. 159-173; Vol. 35 (1976), pp. 950-955.