

FROM

SENATOR EDGAR H. BROOKES.

SENATOR RHEINALLT JONES: for your
information

Edgar Brookes

"EMSEBENI."

22.5.21

P.O. ADAMS MISSION STATION,
NATAL.

October 16, 1941

RAILWAY STATION.
AMANZIMTOTI (8 MILES)
TELEPHONE:
ADAMS MISSION STATION, No 1.
EHB/MR

20 OCT 1941

Colonel the Hon. Deneys Reitz,
Native Affairs Department,
PRETORIA.

Dear Colonel Reitz,

After some hesitation I am writing to you in connection with a matter which affects my colleagues and myself personally. It is the question of the provisions of the Representation of Natives Act regarding the election of Senators and members of the House of Assembly. As things are at present, we go out of office in June, and in the case of contested elections the vacancies cannot be filled until November. I have taken this for granted all along, and have realised that it is the ordinary arrangement: but, as I have been thinking it out recently, the point has come to me that in the case of any special session called in the latter half of 1942 - and with a war such as the present one, it is never possible to assume that there will not be a special session - the whole Native population would be left without representation. As a subsidiary, but not entirely unimportant point, the Government would be deprived of a small but useful number of certain votes in both Houses. During this war period, a precedent was set for the Senate in the legislation which provided that the retiring members should hold their seats until the election of the new Senators had been completed, so that there might not be any interval during which it would be impossible to convoke Parliament.

The difficulty in the present situation, which makes it a delicate one, is that we stand to gain to the extent of four or five months' Parliamentary allowance if such legislation were introduced. We are all human, and I personally should be very glad not to lose the allowance for these months. But I should be perfectly willing, and I think my colleagues would too, if legislation were introduced to meet the case, to agree to stipulations that Parliamentary allowance should only be paid if there actually were a session during that period.

I am submitting the matter to you informally. If you think that there is anything in it, it might be possible to consult the whole group more formally during the sessions of the Representative Council in Pretoria. In the meantime I should very much value an expression of your opinion in the matter.

May I add, in conclusion, that in addition to our Parliamentary functions we have been able to do a good deal to help the Government in visiting our areas during recess. We should appear with considerably less authority on matters such as recruiting and the war generally if we appeared merely as candidates for election during what may well be a critical period.

Yours sincerely,

the forthcoming session immediately prior to the holding of the second elections under the Act. If such legislation were introduced and passed by the end of April next it would then become necessary to amend the regulations so as to conform to new requirements laid down by the Act and that in itself would be a formidable task. In fact I doubt whether we would get the amending Act with the requisite amendments of the regulations promulgated in time for the holding of the next elections on the due dates.

In reference to the penultimate paragraph of your letter, I may say that the Minister concurs in your view that it would be undesirable to postpone the elections under the Representation of Natives Act, but the matter has not been discussed in Cabinet.

With kind regards,
Yours sincerely,

ELSWP

20-10-1941

Dear Senator Rheinallt-Jones,

I forward the accompanying copy of a letter which I have addressed to Senator Welsh to you for your information in connection with the discussions which took place in Cape Town.

With kind regards,
Yours sincerely,

D. L. Swinburn

Senator the Hon. J.D. Rheinallt-Jones,
P.O. Box 97,
JOHANNESBURG.

21 OCT 1941

20th October, 194.

Senator the Hon. Dr. E. H. Brookes,
"Emsebeni",
P. O. Adams Mission Station,
NATAL.

My dear Brookes,

Please forgive my failure to reply earlier to your letter of the 26th ultimo. One reason for the delay has been that I have been having discussions here regarding the wisdom or otherwise of this new effort to organise the mine workers. Personally, I am sorry that they have made the move now, just at a time when we were about to get recognition for the African trade unions, and you will remember that in the Senate I suggested to Stallard that he might agree to the recognition of the unions provided that they did not cover recruited workers. I cannot help feeling that this new move will make it more difficult to get recognition. In this connection I should like to say that I have been told that Madeley would be glad to receive representations from various bodies pressing for recognition, in order that he may overcome Stallard in the Cabinet. Will you do what you can in that connection?

As regards the case for wage improvements for the African mine workers, I fully agree with you that there is a very strong case. A few weeks ago I wrote to the Secretary for Mines, asking for information as to the extent of the benefits which European workers have received in recent years, but this morning I have received a reply that the Department has not got this information. I am now approaching the Chamber of Mines for definite information. You can take it, however, that the total must be somewhere about five or six million pounds.

It is, however, not easy to know how to approach this question of increased benefits for the African mine workers. As you know, the mines have set their face against any wage increases for European workers, and all the benefits that have been given are either out and out grants or either temporary allowances. What concrete proposal can one make that would be

-reasonable -

reasonable in the situation? One proposal that is being made is that a cost of living allowance should be granted, and the Johannesburg Joint Council of Europeans and Africans is supporting this. But at the same time it must be realised that a large part of the Native labour forces comes from territories out of the Union, and that consequently any cost of living allowance would involve the export of a considerable sum of money from the Union. A few weeks ago I put before Mr. Smit a suggestion for consideration by his Urban Areas Committee that they should press for the establishment of a Native Welfare Fund, based on gold production, as is the case of the Miners' Welfare Fund in England, and that it could be used for the development of social and other services for Africans in the Reserves, on the farms, as well as in the towns.

You asked me in what way you could assist the objects of the Committee to organise African mine workers. The Joint Council has decided to make separate and direct representations in regard to the cost of living allowance. You might consider writing a letter to the Minister of Native Affairs and the Minister of Mines, as well as to the Secretary of the Chamber of Mines.

My own feeling would be that the parliamentary representatives should try to meet in Pretoria or Johannesburg before the meeting of the Natives Representative Council (which commences on November 24th), and agree on a line of action in this and other matters. Why should there not be joint representations of the parliamentary representatives and the Natives Representative Council to the Chamber of Mines on the matter of the African mine workers?

If you approve of the idea of our meeting, I should be glad to get in touch with our colleagues. Would Saturday, November 22nd, be possible for you, and could you suggest points to be discussed? Here are suggestions :-

- (i) The position of the African mine worker;
- (ii) The position of the African troops;
- (iii) The Native land situation, and the relations between the Native Affairs Department and the tribes;
- (iv) A representation of Native interests on commissions and committees.

I send you a copy of the memorandum which was prepared in this office by the Joint Council and the African Townships Committee for presentation to the Committee on Natives in Urban Areas.

With kind regards,

Yours sincerely,

JDRJ/NMC

Enclosure - Memo.

89/367(231)

20-10-1941

My dear Senator Welsh,

I have given much thought to the question raised in your letter of the 7th instant as to the desirability of shortening the period prescribed for the election of native representatives in Parliament, but I have reluctantly come to the conclusion that we should not ask for legislation to this end, particularly at the present juncture.

As you are no doubt aware, having regard to the exigencies of the war situation, the Government is anxious to cut down its legislative programme to the minimum. Moreover any legislation which has for its object the amendment of the Representation of Natives Act, no matter how innocuous it may seem on the face of it, is bound to raise questions of a contentious nature. In this connection I need merely mention the fact that we have already been pressed by the Natives Representative Council to provide increased representation for the Natives.

Quite apart from this aspect of the matter, however, I am not certain that it would be feasible, at any rate in so far as the election of senators and members of the Representative Council is concerned, to reduce the period which the Act provides must elapse between the issue of the initial proclamation providing for an election and the nomination day and between the nomination day and the polling day, should a poll become necessary. As you are aware, there is a tremendous amount to be done in this office in connection with these elections and we have to work with very cumbersome and inefficient machinery. Districts have to be divided up into wards for the purpose of the constitution of electoral committees under section five of the Act; determinations have to be made under section thirty-seven of the Act; meetings of the various voting units have to be convened and held prior to nomination and prior to polling day; special voting papers and envelopes have to be printed and supplied to the various native commissioners throughout the Union and altogether there is a formidable schedule of requirements which the Department has meticulously to work to. Many district magistrates show very little understanding of or interest in their work under the Act and under the regulations, with the result that in certain instances instructions have had to be repeated two or three times and reminders sent. In short, the Department has to work with very imperfect tools and its experience up to the present has been that it is most advisable to fix the dates for the nomination and polling days in such a manner as to allow a margin of time to spare in the event of anything untoward happening.

In any case upon reconsideration of the position, I think it would be inadvisable to introduce amending legislation during

the/...

Senator the Honourable W.T. Welsh,
5 Belgrave Road,
EAST LONDON.

22nd October, 1941.

The Secretary for Native Affairs,
P.O.Box 384,
PRETORIA.

Dear Mr. Smit,

Elections under the Representation
of Natives Act.

I much appreciate your kindness in sending me a copy of your letter to Senator Welsh.

I fully appreciate your position in the matter. Senator Brookes has just sent me a copy of his letter to Col. Reitz, in which he makes another suggestion, i.e. that the retiring senators and members should hold their seats until the election of the new senators has been completed, so that, should Parliament be summoned during the latter part of 1942, their seats should not be vacant and their support for the Government be not available. This, however, would involve legislation, with the attendant dangers described in your letter to Senator Welsh.

I am afraid that we must just go on with things as they are, even though it may mean a heavy financial loss for us all, without any lessening of the financial responsibilities of our position.

I take it, however, that there should be no difficulty in the Government acting within the terms of the Act in 1943 and proclaiming two additional senatorships.

I sincerely hope that nothing will interfere with this relief, for I am carrying a very heavy burden, not only of matters to be dealt with but also of extensive travelling involving heavy expenses and nervous strain.

With kind regards,

Yours sincerely,

JDRJ/NMC.

Seen - series.

① Inspection (Strenli)

② Conference

For more information.

There is a possibility of

the extension of the

franchise office up to

date of next election.

I shall be glad to

have your views on

the letter from Rogers

in reply to mine.

M

Telegraphic Address } "NATIVES."
Telegraafes Adres }



UNION OF SOUTH AFRICA.—UNIE VAN SUID-AFRIKA.

DEPARTMENT OF NATIVE AFFAIRS,
DEPARTEMENT VAN NATURELLESAKE,

P.O. Box } 384,
Postbus }

PRETORIA;

28 OCT 1941

No.89/362(231).

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Dear Senator Rheinallt Jones,

Elections under the Representation
of Natives Act.

I have to acknowledge the receipt of your letter addressed to Mr. Smit on the 22nd instant in the above connection.

Colonel Reitz received Dr. Brookes' letter just prior to his departure for Bloemfontein and has promised to give his proposals careful consideration upon his return to Pretoria.

Your suggestion that in 1943 the number of Senators should be increased by two in terms of sub-section (2) of section two of the Act is somewhat startling, and I see a considerable difficulty in giving effect to it. Apart from any other consideration there is the fact that Senators must of necessity be elected for the existing electoral areas next year and they would in the ordinary course hold office for five years. If, however, the number of electoral areas were to be increased in 1943, this would probably mean that the four Senators elected next year, or at any rate those whose electoral areas would be affected by the definition of two additional electoral areas, would have to be regarded as "functus officio" and that they would have to seek re-election.

In other words it seems to me very doubtful whether you would be well advised to push for additional senatorships under section two of the Act until the expiry of the second quinquennial period. Possibly we could discuss the matter at some time ^{when} ~~which~~ is convenient to you.

With kind regards,

Yours sincerely,

Howard Rogers

Senator the Hon. J.D. Rheinallt Jones,
P.O. Box 97,
JOHANNESBURG.

UNIVERSITY.

-6 NOV 1941

5th November, 1941.

My dear Senator,

Thank you for letting me see these interesting letters. In regard to Mr. Rodgers' reply, it seems to me that much the simplest thing to do would be to extend the period of office of the present senators until some time in 1943. It would then be seven years from the time the Act was passed, and under Section 2 the number of senators can be increased simply by proclamation. The new elections for five or six senators would then take place at the same time as the electoral areas were re-defined to allow for the increase. If this were done, all that legislation would have to provide for would be the extension of your periods of office for one year, or a few months longer if it were desired not to hold these elections at the same time as the general election, which is due in 1943.

I certainly think it would be unwise to make the increase of senators dependent on the lapse of ten years. Indeed, it would be a good gesture towards Africans and an acknowledgment of the success of the whole system if the increase were made at the first opportunity, namely 1943. I am inclined to think it would be better to press this suggestion than the alternative of allowing senators to hold their seats until the new senators are elected.

In any event some legislation would be necessary, and my suggestion would mean legislation only of the very simplest kind.

Yours ever,

Julius Lewis.

JL/NMC.

Collection Number: AD1715

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

PUBLISHER:

Collection Funder:- Atlantic Philanthropies Foundation

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

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