

*undated*JOHANNESBURG JOINT COUNCIL OF EUROPEANS & NATIVES.DEDUCTIONS OF FINES FROM WAGES OF NATIVE OFFENDERS.

The Judges' Conference impressed by the fact that very large numbers of natives are imprisoned for petty offences, suggested the following as means whereby this evil might be reduced.

- I. A reduction in the amount of fines imposed to a standard more in accord with the earning capacity of the average native.
- II. A more general enforcement of the provisions of the Criminal Procedure and Evidence Act No.31 of 1917, and of the regulations under the Act set forth in Government Notice 2147 of 1927, whereby fines may be paid through a stop order on the wages of the offender. This would necessitate:
 - (a) Consent of the convicted person.
 - (b) Enforcement of the carrying out of the order by the employer.

The Chief Magistrate of Johannesburg supports these proposals and is anxious that the goodwill and co-operation of employers be secured in carrying out the second proposal.

With respect to "I".

The Joint Council welcomes the suggestion of a general reduction in the scale of fines imposed as removing what has been an oppressive burden on the native population.

With respect to "II".

The following points are noted:

1. ADVANTAGES.

- (a) The step proposed would result in a decrease in the number of petty offenders committed to gaol, and thus introduced to the degrading influences of prison life. In the appallingly high number of was reached in Johannesburg.
- (b) A convicted person could return at once to his work, which would be an advantage to himself and to his employer.
- (c) Considerable saving to the coffers of the State would be effected.

2. DISADVANTAGES.

- (a) Payment of fines in this manner would tie the native to his employer in the same way as payment of the native poll tax by farmers binds natives working on farms. In cases of unscrupulous employers this would open the way to abuse.

- (b) Approval of the proposal might be interpreted as acquiescence in the continued existence of those laws which create so many petty criminal offences for natives.

- (c) The measure proposed would lighten the burden of petty offences both for the native offender and for his employer; and would tend to make it more difficult to create a healthy public opinion on such questions as the Pass Laws.

Collection Number: AD843

XUMA, A.B., Papers

PUBLISHER:

Publisher:- **Historical Papers Research Archive**

Location:- **Johannesburg**

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of the archive of the South African Institute of Race Relations, held at the Historical Papers Research Archive at the University of the Witwatersrand, Johannesburg, South Africa.