

JOHANNESBURG JOINT COUNCIL OF EUROPEANS AND NATIVES.

NATIVE MARRIAGES.

(Submitted to the S.A. General Missionary Conference, Lovedale, 1928.)

The Johannesburg Joint Council of Europeans and Natives has had under consideration the position of Native Marriages, and especially as these will be affected by the provisions of Chapter V of the Native Administration Act, 1928. It has also received a number of communications which show that the problem of adjusting Native family life to modern conditions is one which is causing concern not only in the Union but throughout East, West, Central and Southern Africa as well.

It is clear that Missions generally are disturbed over  
(a) The question of the extent to which Native Marriage Customs should be recognised by Church and State.

(b) The need for protecting Native Christian marriages from (1) the influence of undesirable Native Customs, and (2) the loosening of Christian marriage ties through some of the undesirable conditions of modern life (e.g. absence from home at work in industrial areas).

The letters which have reached the Council show particular concern regarding (b) (2), while the passing of the Native Administration Act has caused many misgivings as to its possible effects upon Christian marriage. Fortunately Chapter V of the Act (which deals with Marriage and Inheritance) was specially excluded from the Proclamation (No 201 of 1927) which brought the Act into force, so that there may still be time to make any representations to the Government, which may be thought desirable, regarding the provisions of this Chapter.

The Joint Council has in draft form a Memorandum setting out the legal position as it now exists, the legal effects of Chapter V and discussing the policy underlying this Chapter. The matter, however, is one that requires the most careful examination and the Joint Council is not yet in a position to submit this Memorandum to the S.A. Missionary Conference.

In view of the forthcoming session of the Conference the Joint Council ventures to suggest to the Conference that the following steps be taken in which the Joint Council will be glad to co-operate:

(1) Form a Committee to collect statements from missionaries and others regarding the points raised under (a) and (b) herein, and especially upon the following matters:-

(a) The possible effects of Chapter V of the Native Administration Act, particularly in regard to marriage by Native Custom after a Christian marriage.

(b) The extent of the evils of desertion and illicit unions.

(c) The re-marriage by Christian rites of persons who have been guilty of either or both of the evils under (b).

(d) The steps which the Churches should take to deal with (b) and (c).

NOTE: It should be noted that

- (i) Chapter V is based upon Proclamation 148 of 1910 of the Transkei with the omission of section 3 of the Proclamation, viz:-

"No marriage according to Native Custom which takes place during the subsistence of any marriage contracted according to the law of the Colony or any Native registered marriage shall be recognised as conferring any status or rights whatever under this Proclamation upon any party to such marriage by Native Custom or upon any issue thereof".

- (ii) The Natal law, making marriage by Native Custom after marriage by Christian or civil rites an offence, has not been extended to the other Provinces.

- (2) Arrange for the Committee to interview the Native Affairs Commission and the Secretary for Native Affairs in regard to the whole question and asking for delay in bringing Chapter V of the Native Administration Act into force.

It is suggested that the subject might also be placed on the Agenda of the Conference of Joint Councils etc. to be held in September.

The Joint Council will be glad to associate itself with the conference in efforts to secure the adoption by the Native people of Christian ideals of married life.

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