

Penal
- 8 MAY 1941

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(6-2.)

MEETING OF JOINT NATIVE ADVISORY BOARDS WITH
THE MANAGER, TO BE HELD IN GENEVA HOUSE AT
3.30 P.M. ON WEDNESDAY, THE 14TH MAY, 1941.

A G E N D A.

1. Confirmation of Minutes.
2. Matters arising out of the Minutes:
 - (a) Repeal of Section 32 of Location Regulations.
 - (b) Amendment of Regulations to legalise Decisions of Joint Advisory Board Meetings.- Boards' views on proposal re one Central Advisory Board.
 - (c) Permits to slaughter beasts.- Abattoirs' protest against number of permits issued.
 - (d) Child Maintenance Grants under Section 84(1)(c) of the Children's Act No. 31 of 1937. (Circular letter attached.)
 - (e) Health standards - Pimville shops.
- Mr. Mvabaza.
 - (f) Public Health Department census of houses, Pimville.
3. Report on Requests made by the Mothers' Welfare Association, Orlando.

* * * *

COPY/

S.W.C. 16/7

DEPARTMENT OF SOCIAL WELFARE,
KOEDOE BUILDINGS.

PRETORIA.

30th March, 1940.

CIRCULAR NO. 4 OF 1940:

TO ALL MAGISTRATES, NATIVE COMMISSIONERS & ASSISTANT NATIVE COMMISSIONERS
IN THE UNION.

Maintenance Grants under Section 84 (1) (c)
of the Children's Act, No. 31 of 1937.

I have to inform you that it has been decided to make grants available under section eighty four (1) (c) of the Children's Act No. 31 of 1937, with effect from 1st April, 1940, for the maintenance of Native children resident in urban areas, and my Circular S.W.C.1 of 1st April, 1939, is hereby amended with effect from 1st April, 1940, as follows :-

(1) by the insertion of the following sub-paragraph (d) under the caption Natives in Urban Areas:

" (d) Where the Native Commissioner, after careful and thorough investigation, is satisfied that it is impossible for relief to be afforded under paragraph (a) or (b) he should make application to the Department of Social Welfare for the payment of a cash allowance in terms of section eighty four (1) (c) of the Children's Act, No. 31 of 1937, and in submitting such application shall furnish a full report upon the circumstances of the case, indicating the reasons why such special circumstances are deemed to be necessary."

(2) by the deletion of the paragraph under the caption Cash Allowances and the substitution of the following paragraph therefor :

"The payment of cash allowances may be continued in cases in which authority was granted prior to 1st April, 1939, and will form a charge against the Vote of the Department of Social Welfare, but no such payments will be approved in future save in the exceptional "residual" cases referred to under sub-paragraph (d) above.

It must be emphasised in this connection that the greatest care must be taken to ensure that the payment of cash allowances will be recommended only in cases where, after thorough investigation, the Native Commissioner is convinced that no other course is open, as it is imperative that the payment of such allowances to Natives residing in the towns should not provide an incentive to Native women to flock to the urban areas and thus aggravate a position that has already become acute."

In this connection I have to state that the basis of assessing maintenance grants for children under section eighty-four (1) (c) of the Children's Act and the conditions governing the payment of such grants as laid down in the annexure to my Circular No. 4 of 3rd May, 1939, will equally apply to Native children resident in urban areas and the following additions should be made under the following captions :-

"2. Maximum Grants per Family".

Cities.

Natives.

Both parents.....£2 : 10 : 0.
One parent.....£2 : 0 : 0.

Towns.

Natives.

Both parents.....	£2 : 0 : 0
One parent.....	£1 : 15 : 0

"4. Maximum Grants per Child". (Other than children with foster parents)

In Cities:

Natives.
Per month per child.

Only one child subsidised.....	10 : 0
Two or more children subsidised, each.....	7 : 6

In towns.

Only one child subsidised.....	10 : 0
Two or more children subsidised, each.....	7 : 6

"5. Assessment of Incomes."

(c) Value of free accommodation enjoyed by applicant assessed on the following basis per family :-

Natives.

Cities and towns.....	10 : 0 p.m.
-----------------------	-------------

(d) Value of free boarding enjoyed by applicant assessed as follows :-

Natives.....10/- per person per month.

"7. Foster-parents.

(2) Maintenance grants in respect of foater-parents will be as follows :-

Natives.

Cities.....	15/- p.m.p.c.
Towns.....	15/- p.m.p.c.

G. A. C. KUSCHKE.

SECRETARY FOR SOCIAL WELFARE.

26 MAY 1941
Renold

26

MEETING OF JOINT ADVISORY BOARDS WITH MANAGER,
HELD AT GENEVA HOUSE, ON WEDNESDAY, 14th MAY,
1941, at 3.30 p.m.

Present : Mr. G. Ballenden (in the Chair).
Mr. L.I. Venables, Assistant Manager.
Miss M. Janisch, Acting Chief Clerk.
Mr. D.T. Nicholas, Senior Superintendent, Orlando.
Mr. V.B. MacFadyen, Acting Superintendent, "
Mr. A.R. Cleverly, Superintendent, Western Township.
Mr. E.F. Kieser, Actg. Supt., Eastern Township.
Mr. J.A. Campbell, A/Supt., Mai-Mai Hostel & Bazaar.
Mr. A. Venter, Actg. Superintendent, Wemmer Hostel.
Mr. J.G. Swan, Actg. Superintendent, Pimville.
Mr. R.A. Schjolberg, Employment Officer.

Messrs. P.A.M. Bell	Pimville Advisory Board.
A.H. Maepe	" "
L.T. Mvabaza	" "
J.J. 'Musi	" "
L.J. Mfeka	Western "
M.W. Somtunze	" "
W. Ngakane	Orlando "
E. Mofutsanyane	" "
O.N. Phahle	Eastern "

* * *

The meeting assembled at 3.30 p.m. and the time limit of 20 minutes expired without a quorum being present, only one member of the Eastern Native Township Advisory Board being in attendance at the meeting. The meeting was therefore adjourned until the following month.

* * *

Informal discussion then ensued on the topic of the proposed amendment of Section 5 of the Location Regulations.

The Chairman said he thought most of the members had voted against the introduction of the amendment to the regulations but the Council had decided to proceed with it. He therefore wished the members present to draw the attention of their Boards to the slight alteration in the wording, "registered occupier" having been substituted in the place of "person".

Members of the Board cited this action of the Council in proceeding with a measure in the face of the unanimous opposition of the Boards as a clear indication of the necessity for an outside Chairman at these meetings, who would support their views and transmit them to the Council.

The Chairman explained that a change in the chairmanship of the meetings would make no difference to the decisions of the Council, for all recommendations of the Advisory Boards would still have to be reported upon by the Manager.

In the present instance, the matter had been submitted to the individual Boards and their decisions had been placed before the Council together with the Manager's recommendation. Both he and the Council had deemed it advisable, after full consideration of the matter, to proceed with the

proposed /..

proposed amendment. The Boards' objections, together with the Council's recommendations, would be placed before the Minister for his decision.

In reply to an inquiry, the Chairman agreed to transmit a request from the Boards to be represented before the Minister when he considered the matter to the Native Commissioner, should the Boards decide upon this course in the immediate future.

In response to Mr. Ngakane's assertion that this was one of the many occasions when the City Council had gone against the advice of the Advisory Boards, the Chairman replied that this might be so, but the functions of the Boards were purely advisory and the Council was not bound by their findings.

Members pressed their demand for an independent Chairman at these meetings, and the Chairman said that if it was their wish to start an entirely different type of meeting they must inform him of their new proposals and he would consider them, but as he had pointed out previously, whoever their Chairman was, he, as Manager of the Department, would still have to report to the Council upon their recommendations.

The Chairman then asked the members if they could suggest any better method for dealing with the situation than that proposed in the amended regulation, but no improvement on the contemplated method was offered.

A member for Western Native Township said that the people who refused to vacate the houses on an order from the Superintendent were those who had made improvements to their dwellings for which they would receive no compensation, but the Chairman said that this meant there was trading going on in the houses, and could not be held as a valid reason for refusal to leave.

Before the meeting closed, Mr. Mfeka said that in the Court the previous week the Assistant Manager was reported to have said to the Court that the Advisory Boards had no powers at all, and the residents were now asking if this was so why they should go to the trouble of electing a Board. They would like an explanation.

The Assistant Manager then explained that a certain ex-member of the Board, named Kumalo, claimed to have authority to allow people to live in or occupy a house without reference to or authority from the Location Superintendent or the City Council, and claimed that the Council could do nothing without the Board's consent. As this man was attempting to mislead both the people and the court, he, the Assistant Manager, had pointed out, in the course of argument, to the Court that the Advisory Board is purely an advisory body and is possessed of no executive powers.

At this stage the proceedings ended.

Revised
9 - JUN 1941

26

11

MEETING OF JOINT ADVISORY BOARDS WITH
MANAGER, TO BE HELD IN GENEVA HOUSE,
AT 3.30 P.M. ON WEDNESDAY, THE 11TH JUNE,
1941.

A G E N D A.

1. Confirmation of Minutes.
2. Matters arising out of Meeting held on the 9th April, 1941.
3. Matters arising out of the Minutes:
 - (a) Repeal of Section 32 of Location Regulations.
 - (b) Amendment of Regulations to legalise Decisions of Joint Advisory Board Meetings. - Boards' views on proposal re one Central Advisory Board.
 - (c) Permits to slaughter beasts. - Abattoirs' protest against number of permits issued.
 - (d) Child Maintenance Grants under Section 84(1)(c) of the Children's Act No. 31 of 1937. (Circular letter attached).
 - (e) Health standards - Pimville shops.
- Mr. Mvabaza.
 - (f) Public Health Department census of houses, Pimville.
4. Requests submitted by Eastern Native Township Board :-
 - (1) That the tenants are desirous of purchasing these houses, and that they are surprised that since the Council outlined a scheme whereby the houses could be sold to them, nothing further has been heard.
 - (2) That the Hearse Driver's wages be increased to the standard of all bus-drivers.
 - (3) That the Council be requested to increase the allowances paid to the members of the Advisory Boards.
5. Circumcision Rites.

* * * * *

COPY/

S.W.C. 16/7

DEPARTMENT OF SOCIAL WELFARE,
KOEDOE BUILDINGS.

PRETORIA.

30th March, 1940.

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Cities.....	15/- p.m.p.c.
Towns.....	15/- p.m.p.c.

G. A. C. KUSCHKE.

SECRETARY FOR SOCIAL WELFARE.

Senator

267

22 JUL 1941

M

MEETING OF JOINT ADVISORY BOARDS WITH MANAGER
HELD AT GENEVA HOUSE AT 3.30 P.M. ON WEDNESDAY,
THE 9TH JULY, 1941.

PRESENT:

- Mr. L.I. Venables (In the Chair),
- Miss M. Janisch, Johannesburg,
- Mr. E.F. Kieser, Act. Superintendent, Eastern Township.
- Mr. A.R. Cleverly, Superintendent, Western Township.
- Mr. J.G. Swan, Act. Superintendent, Pimville.
- Mr. V.B. MacFadyen, Superintendent, Orlando.
- Messrs. G. Mabuza
- J.C.P. Mavimbela } Eastern Township Advisory Board.
- O.N. Phahle
- E.T. Mofutsanyane } Orlando Advisory Board.
- J.J. Masopha
- W. Tsikane } Western Township Advisory Board.
- P.J. Moguerane

* * *

APOLOGIES FOR ABSENCE.

Apologies for absence were received from Senator the Hon. J.D. Rheinallt Jones and Mr. W.J. Mfeka (Western Township Advisory Board).

* * *

Owing to the absence of a quorum, the formal business of the meeting could not be dealt with.

The Chairman noted that the Pimville Advisory Board was not represented, and pointed out that this was the fourth occasion within a period of six months that a quorum had not been present and the meetings had to be adjourned. His personal feeling was that a great deal of benefit could be derived by all concerned from the discussions which took place at the meetings of the Advisory Boards with the Department, and he for one would be loath to have the meetings discontinued. He had reluctantly come to the conclusion that the attitude of some members indicated that they were unwilling to co-operate with the Department, and he considered that in view of this the Department would have to consider its policy in regard to the continuation of these meetings. In any case, as certain Board members were not acting in the best interests of their electors it seemed desirable to publish the facts in the Locations so that the people should know how best to cast their votes in the next elections.

He informed those present that the question of defining the status and functions of Advisory Boards was presently being examined by Reef Managers and Superintendents of Urban Native Administration who met in Johannesburg every month, and he was particularly anxious that the Advisory Boards should also discuss this matter and make recommendations prior to the framing of regulations, in order that the African viewpoint might be given due consideration. He stated that at the last meeting of Reef Managers the members had considered a suggestion that Advisory Boards be replaced by Native-elected Europeans representatives on Town Councils on the same basis as African representatives appointed to

Parliament or the Senate, but the meeting had rejected this proposal and favoured action in the direction of more clearly defining and perhaps extending the functions and duties of Advisory Boards.

The Chairman requested the members present to discuss the whole matter within their own separate Boards and to report their recommendations and views to the Department at the earliest possible moment.

A further matter in respect of which he would like the views of the Boards concerned the giving of franchise to native women, i.e., he would like to know whether or not native opinion was in favour of extending the right to vote to native women.

A member from Eastern Township pointed out that if the meetings were held at night better attendances would result as many members had difficulty in obtaining permission from their employers to attend during the daytime. The Chairman, however, drew attention to the fact that when the meetings were first inaugurated the Department had approached employers of Advisory Board members, and arranged for all of them to attend every month.

The Chairman drew the attention of the meeting to a letter addressed by his Department to every Advisory Board in regard to the continuance or otherwise of the meetings in the future in view of the lack of a quorum at three recent meetings, requesting them to call urgent meetings of their Boards to decide this question. Only Western Township Advisory Board had replied to this communication and he considered the position extremely unsatisfactory.

A member from Orlando reported that a meeting of his Board had been held and a resolution passed to the effect that the matter should be decided by the Joint Boards, but owing to the Secretary's absence a copy of this resolution had not been submitted to the Department.

The Chairman thanked those present for attending, and stated that the future position in regard to the Monthly Meetings would have to be considered. The Boards would be advised of the result in due course.

The meeting was declared adjourned at
4 p.m.

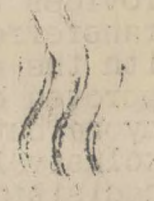
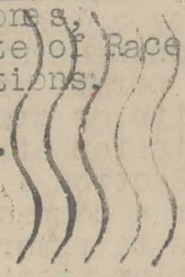
* * *

1. It is clear from Section 1 (1) (b) and the third paragraph from the end of Section 23(3) of Act 21 of 1923 that the house or hut erected by a lessee is for his own occupation. Regulation 8 of the Johannesburg Native Location Regulations provides that no site permit or residential permit shall be transferred, and no site or dwelling shall be sub-let, except with the written permission of the Superintendent and to a person approved by him; and Section 4 of Act 21 of 1923 does not allow anyone but a native or a company the interest wherein is held exclusively by natives to enter into an agreement for the acquisition of any lot or premises situate in a native village or location or of any right to any such lot or premises or of any interest therein or servitude thereover.
2. The common law is set out in the case of Van Wezel v. Van Wezel's Trustee (1924) A.D. at page 418 as follows :
" The structure built into the soil by a lessee becomes part of the soil and as soon as it is fixed to the soil, the dominium in it by the common law lies in the owner and not in the lessee. He may during the currency of the lease break down what he has built and remove the materials off the land leased to him: if during the lease he fails to break down the structure or fails to remove the materials he must at the moment the lease expires leave everything in situ and what is left there is left for the benefit of the owner - whether it be a building or the materials that once formed part of a building".
3. Where the landlord is willing, at the expiry of the tenancy, to allow the lessee to remove structures erected by the latter with the consent of the landlord, on the leased property, such lessee is not entitled to refuse to remove the said structures and to claim compensation. If the landlord retains the structure erected by the lessee, the landlord must pay the lessee the value of the materials annexed with the landlord's consent. Kumalo v. Piet Retief Village Council (1931) T.P.D. 165.
4. Where a tenant has been ejected under Regulation 15, the effect of such ejection is to terminate his right of occupation and he cannot prevent the sale of improvements fixed to the soil of which the Council has given notice in terms of Regulation 16: Vilikazi v. Ermelo Municipality (1935) T.P.D. 220.
5. The tenant has the right - during the currency of the lease - to break down the structures and remove them, provided this can be done without damage to the land. This right is one which can be attached and effectually executed upon: Truck and Car Co. (Pty.) Ltd. v. Matola (1939) T.P.D. 436. But the Location Regulations insist that each occupant of a site or dwelling must be approved by the Superintendent. There can be no change of occupant or addition to the occupants without the approval of the Superintendent.

(Sgd.) A.S. WELSH.

Sen. the Hon. J. D.
Rheinallt Jones,
S.A. Institute of Race
Relations,
P.O. Box 97,
JOHANNESBURG.

8



25 NOV 1941

Renato

MINUTES OF MEETING OF MANAGER WITH JOINT
NATIVE ADVISORY BOARDS HELD AT HIS MAJESTY'S
BUILDINGS AT 3.30 p.m. ON WEDNESDAY, 12th
NOVEMBER, 1941.

- PRESENT:
- Mr. G. Ballenden (In the Chair).
 - Mr. L.I. Venables, Johannesburg.
 - Miss M. Janisch, " "
 - Mr. D.T. Nicholas, Senior Supt., Orlando.
 - Mr. A.R. Cleverly, Supt., W.N.T.
 - Mr. V.B. MacFadyen, Asst. Supt., Orlando.
 - Mr. W.E. Barber, Actg. Supt., E.N.T.
 - Mr. J.G. Swan, Supt., Pimville.
 - Mr. A.S. Welsh, K.C. Johannesburg.
 - Messrs. S.M. Moema
 - J.J. Masopha, } Orlando Native
 - E.T. Mofutsanyana, } Advisory Board.
 - J.R. Khatlane, } W. N. T.
 - P.J. Moguerane, } Advisory Board.
 - M.W. Somtunzi, }
 - O.N. Phahle, } E. N. T.
 - J.C.P. Mavimbela, } Advisory Board.
 - D.J. Koma, } Pimville
 - S.B. Mtombeni, } Advisory Board.

APOLOGIES:

- Apologies for absence were received from :-
- Mr. W.B. Ngakane, Orlando Advisory Board.
 - Mr. Peter Bell, Pimville " "
 - Mr. P. Malunga, W.N.T. " "

Proposals of Boards with regard to change of time
and date of Meetings.

The Chairman advised the meeting that the
summarised recommendations of the various Advisory Boards
on this question were as follows :-

- Orlando - "The Joint Advisory Boards should decide
finally about this matter".
- Pimville - The meetings should be held once a quarter
in the afternoon.
- Eastern Native Township - The meetings should take place
once a month on Wednesday evening.
- Western Native Township - The meetings should take place
once a month on the second Wednesday at 3.30 p.m.

He /..

He declared the matter open for discussion.

Mr. Somntunzi (W.N.T.) expressed the opinion that Wednesday afternoon suited the majority of members. Some were school teachers, and others shopkeepers who closed their shops on Wednesday afternoons and were thus able to attend. If the day and time of the meetings were altered, there was less likelihood of a quorum being present.

Mr. Mofutsanyana (Orlando) also considered that Wednesday was the most suitable day for the meetings. At a previous meeting some members had complained that their non-attendance was due to the reluctance of their firms to release them, but this was merely an excuse as the firms in question had been consulted and had agreed to allow them to attend. Even were another day decided on, there would be no increase in attendances.

Mr. Koma (Pimville) supported the views of the previous speakers.

Mr. Khatlane thereupon moved that the meetings be held on Wednesday afternoons, and this was seconded by Mr. Koma.

Mr. Mavimbela (E.N.T.) proposed that the meetings take place on Wednesdays at 7.30 p.m. and Mr. Masopha seconded this proposal.

Mr. Moema (Orlando) pointed out the difficulty which would be experienced by some Board members in attending in the evening as they did not possess monthly tickets. The majority were in town during the day, and he considered that 3.30 p.m. was a suitable time.

On being put to the vote, the amendment was lost by 3 votes to 7. The motion was then put to the meeting and carried. This provides that in future the meetings shall be held once a month on the second Wednesday at 3.30 p.m.

This concluded the formal business of the meeting.

The Chairman then made a few general remarks.

He reminded members that in accordance with the regulations the annual Advisory Board Elections would take place in December, and said that the necessary notices and forms would be sent out in due course.

The Location Regulations, he stated, were in the course of being amended at the present time. A draft of the amended regulations would be submitted to the various Boards for their comments and suggestions. An endeavour

was /..

was being made by the Department to clarify the regulations generally in the light of past experience, and to widen the scope of the activities and powers of Advisory Boards. In this connection the Department was fortunate in having the services of Mr. Welsh, who had had considerable legal experience.

The Chairman said that in case another occasion did not arise, he desired to take the opportunity of wishing every Board member and the people they represented a very happy Christmas and a prosperous New Year. He hoped that the New Year would bring about improved conditions for Africans as a result of the Commission of Enquiry into their conditions of living. He also expressed the hope that in a year's time they would be meeting under happier, peace-time conditions.

Mr. Koma passed a vote of thanks to the Management and officials of the Department, with whom they had worked throughout the year. He associated himself with the Chairman's remarks and hoped that 1942 would bring, amongst other things, the end of the war.

The meeting terminated at 4.5 p.m.

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