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JOHANNESBURG.

I have to thank those members of the Select Committee and others who rendered me help when drawing up the draft for them. I had to put together as far as possible their common views and to formulate into documentary form what meet with the approval of many. It is unwise to mention names, but I feel I must trespass, without any desire to discount the work of other members. I crave indulgence to place on record the invaluable assistance rendered me by Mr. E. TSHONGWANA of the Transkei and Mr. B. NXUMALO of Swaziland, both of whose suggestions contributed very largely to the bulk of this work, because of the resourcefulness and the keen insight they exhibited in the constructive plan and the completion of the whole document. I also acknowledge a debt of gratitude to Mr. J. T. GUMEDE of Natal for his notes and the loan of his Palgrave's Book on Parliamentary Practice, on which the last Chapter on Standing Orders in this Constitution is largely based.

Naturally I have had to do a great deal of inviting and had to perform thankless drudgery work entailing much physical and mental strain: but I owe all encouragement and accomplishment of that kind to my clerk Mr. R. V. SELOPE-THEMA to whose unflinching zeal self-sacrifice and thanks are especially due. Without him this Constitution would never have been completed. He did all the typing of the voluminous correspondence that had to be done and the numerous copies of letters and the drafts that had to be supplied to members and non-members of the Select Committee. All which involved much work and extra time outside our office hours, but Mr. THEMA did this work whole-heartedly and ungrudgingly at the risk of physical break down.

The members of the Select Committee were:—

- Natal:—J. T. Gumede, (F.M. Pong), W. W. Ndhlovu, (Vryheid);
Cape:—Rev. E. P. B. Koti, (Queenstown, now Harding), and Dr. W. B. Rubusana, (East London);
O.F.S.:—J. B. Twayi, vice T. M. Mapiqela, (Bloemfontein) and Rev. A. P. Pitso, (Kroonstad);
Transvaal:—D. S. Letanka, (Johannesburg) and S. M. Makgatho, (Pretoria);
Swaziland:—B. Nxumalo, (Remersdorp);
Transkei:—E. Tshongwana, (Lusikisiki), and R. W. Msimang, the Chairman of the Committee.

IV

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IV

In placing forth this English edition of the Constitution I desire to explain that the resolution under which this work was done, directed that this Constitution be printed and published in two editions of the vernacular. Under the same resolution, the National Congress voted a certain sum for the purpose of the Constitution; but for some reason, this sum has not been obtainable for this necessary expenditure. As soon as adequate funds are provided, these two editions will be printed and published as directed.

R W M.

F

Michaelmas 1919,
Court Chambers.
Johannesburg.

THE CONSTITUTION

OF THE

SOUTH AFRICAN NATIVE NATIONAL CONGRESS.

1. WHEREAS there existed in the Provinces of the Union of South Africa several small and independent Associations, Organisations or Vigilant Committees each one established for the purpose of advancing, observing and considering interests within its own tribal or local limits;

2. AND WHEREAS the subjects and problems with which the said free spontaneous and independent Associations, Organisations or Vigilant Committees had to consider and deal, were essentially of general interest to and affected the whole Bantu people in South Africa;

3. AND WHEREAS the good work of the aforementioned bodies was being ~~to a large extent~~ hindered by the apparent indifference, ignorance and want of co-operation between ~~one~~ another;

4. AND WHEREAS there also existed in some of the Protectorates and Territories in South Africa certain Bodies or Councils each constituted to consider and deal with the subjects and problems within its own tribal and local limits and no further;

5. AND WHEREAS there met at Bloemfontein C.F.S. on the 8th day of January 1911 certain Chiefs, delegates and other leading men in all representing the said Territories, Protectorates, the Provinces and also the aforesaid bodies, throughout South Africa; After the said meeting, these and then, resolved that it was expedient and desirable that a well-digested and accepted native opinion should be ascertainable by the Government and other constituted Authorities with respect to the native problem in all its various phases and ramifications. And it was then further resolved to invite all the aforementioned Associations, Organisations or Vigilant Committees and Councils to unite together and form, as affiliated bodies, a federation of one Pan-African Association the name thereof to be "THE SOUTH AFRICAN NATIVE NATIONAL CONGRESS" (hereinafter in these recitals called the "National Congress") and

to be composed and consist of two sections or Houses—to wit, one section then to be known as the Upper House and the other the Lower House.

6. AND WHEREAS an Extraordinary Meeting of the Executive Committee of the National Congress was held at Bloemfontein on the 1st day of August 1914 wherein (inter alia) the draft Constitution of both the said Houses was considered, amended, read and confirmed and was declared thenceforth to be the Constitution of the National Congress, its Rules, Regulations and Bye-laws in the manner and all respects as therein contained and provided:

7. AND WHEREAS by a Resolution passed and agreed upon in the fourth annual meeting of the National Congress held at Kroonstad, N.C., on the 3rd day of August 1915 convened (inter alia) to consider the amendment of the Constitution of the National Congress. After declaring that the said meeting was not satisfied with the then existing Constitution of the National Congress in that it did not contain adequate or uniform provisions necessary to safeguard the material interests of a National Organisation and more particularly in the respects therein mentioned. It was thereby resolved, inter alia, that an amendment of the Constitution be referred back and a Select Committee of ten members be appointed to consider the proposed amendments and either to prepare further or other amendments, or to revise same or draft a fresh constitution. And the Select Committee to present its report thereon to the Executive Committee of the National Congress.

8. AND WHEREAS the Executive Committee of the National Congress met on the 2nd day of August 1918 at Bloemfontein to receive the report of the Select Committee embodying the revised constitution of the National Congress when in the said meeting the Constitution was read and discussed clause by clause, when certain alterations and amendments were made, and the same as altered and amended was adopted and agreed upon;

9. AND WHEREAS it is intended and it is hereby declared that the National Congress be made a corporate body to exist as such in perpetuity by the Registration of the Constitution hereof and in pursuance thereto the President and the General Secretary being the executive officers of the National Congress shall sign and execute the constitution hereof on behalf of the National Congress.

and that no other authority for the execution thereof shall be required and these presents to be called "THE CONSTITUTION OF THE ~~UNION~~ AFRICAN ~~NATIVE~~ NATIONAL CONGRESS."

CHAPTER II.

INTERPRETATION OF TERMS.

10. Throughout this constitution, if not inconsistent with the context :—

"Association" shall mean the incorporated body known as the "South African Native National Congress"

"National Congress" shall mean the Annual Meeting of and including the South African Native National Congress as an Association.

"~~Conference~~" shall include any ordinary, ~~special~~, extraordinary or annual meeting of the National or Provincial Congress and Branch and any Committee Meeting.

"President" shall mean the President of the National Congress and no other with full discretionary and executive powers as such, under this constitution.

"Chairman" shall mean the Speaker, Deputy-speaker, President of the Provincial Congress, Vice-Chairman and other person holding or presiding in a meeting or in a Committee held under these presents.

"Officer" shall mean any person holding an office or a member of the Committee as well as the Committee as a body under these presents.

"Chief" shall not include a Headman or Induna, but shall mean one ruling over a tribe or tribes.

"King" shall mean a recognised King.

~~King or Chief~~ CHAPTER III.
~~Their respective powers shall be as follows~~

OBJECTS.

11. The Principal Office of the Association shall be situated within the Union of South Africa.

12. The objects for which the Association is established are :—

- (1) To form a national vigilant Association and a deliberative Assembly or Council, without legislative pretensions;
- (2) To unite, absorb, consolidate and preserve

South African Native National Congress

for the time being

Trade Labour, Finance
Religious

under its ægis existing political and educational Associations, vigilance Committees and other public and private bodies whose aims are the promotion and safeguarding of the interests of the aboriginal races ;

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all
question off
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the African
Road

To be medium of expression of representative opinion and to formulate a standard policy on Native Affairs for the benefit and guidance of the Union Government and Parliament ;

all

To educate Parliament, and Provincial Councils, Municipalities, other bodies and the public generally regarding the requirements and aspirations of the native people ; and to enlist the sympathy and support of such European Societies, leagues or Unions as might be willing to espouse the cause of right and fair treatment of coloured races ;

- (5) To educate the Bantu people on their rights, duties and obligations to the themselves individually and to promote AND GENERALLY, to do all such things as are incidental & conducive to the attainment of the above objects or any of them ; PRO.

... common action as one tribes or races and by means of combined effort and united political organisation to defend their freedom, rights and privileges ;

- (7) To discourage and contend against racialism and tribal feuds or to secure the elimination of racialism and tribal feuds ; jealousy and petty quarrels by economic combination, education, goodwill and by other means ;

- (8) To recommend, propose and lay before the Government and Parliament for consideration and adoption laws for the benefit and protection of the native races ; And also to watch Bills introduced in Parliament for proposed

of
subject

Association of any public useful object or the payment in good faith of reasonable and proper remuneration to any officer or servant of the Association or any of its members or other person in return for services actually rendered to the Association; nor be deemed to prevent the making of a gratuity or honorarium to its officer, servant or member or any other person for special services rendered to the Association voluntarily or otherwise.

CHAPTER IV:

METHODS OR MODUS OPERANDI

13 The work of the Association shall be effected and advanced (a) by means of resolutions, protest and constitutional and peaceful propaganda; by deputations and other forms of representations; by holding enquiries and the investigation of grievances and other matters; and by passive action or continued movement; (b) by means of education, lectures and distribution of literature on the objects of the Association; (c) by means of united action and ~~when time~~ ^{Agitation} ~~is ripe~~ for this method to secure the election to all legislative and administrative bodies of candidates, who shall form a group of members and shall primarily stand and promote the interests of the Association so far as it is practicable and expedient, without identifying themselves with any political party or section. Such candidates to be under the control of the Association.

CHAPTER V:

CONSTITUTION AND GOVERNMENT OF THE ASSOCIATION.

15 The Association shall consist of and be constituted as follows:—

- (a) The Provincial Congresses;
- (b) District and Local Branches;
- (c) Agricultural and Educational Societies;
- (d) Industrial and Economical Unions; and
- (e) any other bodies formed for such specific purposes as are closely allied with the objects of the Association, may with the approval of the Executive Committee attach themselves to the Association, and be represented in its annual meetings or join the Association under and subject to the provisions of these presents.

Labour

16 The Territories and Protectorates shall be within the pale of the Association and shall be represented at its annual meetings by the Chiefs or their nominees and with such representation and no other they shall be deemed to be incorporated with the Association.

17 The existing Provincial, Congresses and the District, and local branches and all other organisations hitherto forming part of or under the pale of the Association shall each and every one of them hereafter be deemed to be the branches of the Association and shall hereinafter be governed by and be subject to the provisions of these presents and no other.

Branches of the A.S.A.

X

NATIONAL CONGRESS.

h

18 The government and management of all and singular the affairs of the Association shall vest in a governing body called the "Annual Meeting of the South African Native National Congress (hereinafter referred to throughout in this constitution as "the National Congress") subject to and under the provisions of these presents.

Affairs
19
20

- 19 The National Congress shall be composed of:—
- (a) The hereditary Kings, Princes and Chiefs;
 - (b) The Elected Representatives of the Territories and the Protectorates;
 - (c) The Executive Committee;

(15) Secretary of the National Congress

50. E. 12

(18) Official Delegates of the Provincial Congresses; *Branches*

(19) Delegates representing certain bodies allied with and under the aegis of the Association;

20 The National Congress shall meet once each and every year during the Easter Holidays at such place or places as the Executive Committee shall appoint.

21 A SPECIAL MEETING of the Association may be held whenever the Executive Committee shall think fit. AN EXTRAORDINARY MEETING of the Association shall be called by the Executive Committee whenever a requisition in writing and in the form of a resolution is made by not less than two Provincial Congresses, and passed by two-thirds majority of those present at each meeting; such requisition to be signed by the Chairmen and Secretaries of the said Congresses and lodged with the Secretary of the National Congress stating fully the objects of the meeting. Each Provincial Congress so making the requisition shall on lodging same deposit with the Treasurer of the National Congress the sum of £20 for the purposes of the requisition.

22 The National Congress shall meet as aforesaid to receive the Report of the Executive Committee, the Treasurer's accounts and to transact any other business which under these presents may be transacted by the National Congress. AND the business of the National Congress may be adjourned to any day that may be appointed by the meeting or from day to day.

23. All business transacted at the Special and Extraordinary meetings of the Association shall be deemed "Special" or "extraordinary" as the case may be. And all that is transacted at an annual meeting of the Association shall also be deemed "special" with the exception of the report of the Executive Committee, Statement of Account and election of Officers.

24. No meeting of the National Congress (including a special as well as extraordinary) shall be held or be considered constitutional under these presents unless at least 25 ordinary delegates shall have answered the roll; And no decision resolution or matter whatsoever of such meeting shall be valid and binding in any manner howsoever unless at least 20 ordinary delegates shall have been present and voted in such meeting.

25. The National Congress shall be the supreme authority of the Association and the final tribunal for all appeals matters and things submitted for its decision under this constitution. And in the meetings of the Association and in all matters in question, the act of the majority in number assembled as aforesaid shall be had, taken and be accepted as the act of the whole meeting and be binding on the Association and its constituents and all and singular its members to all intents and purposes and construction whatsoever.

26. All the decisions, resolutions, orders and work of the National Congress shall be administered by and through the Executive Committee who are by these presents appointed general agents of the Association and invested with all the necessary powers as such for direction and control, subject always to the approval and confirmation of the National Congress as hereinafter provided.

CHIEFS.

27. All Kings, Princes, Paramount Chiefs and Chiefs by heritage and other persons of royal blood in the direct line of succession among the various tribes of the Bantu races in South Africa (hereinafter all referred to as "Chiefs") shall have the right to attend the meetings of the Association either in person or by representation.

28. They shall be allowed the distinction of Honorary Vice-Presidentship of the National Congress and those present shall be deemed to represent their districts and places under their rule or control respectively.

29. In any of the meetings of the Association, Chiefs shall be assigned a separate place of honour and respect. They shall also have precedence in reference to all rights audience.

30. Whenever in the meeting there shall arise a matter which in its nature and purport affects the interests of all or any one or more of the Chiefs or their places, the matter in question shall be referred to the Chiefs themselves and they shall be allowed a separate session for consideration thereof and whose decision shall be final on any such matter.

31. No motion, resolution or decision of any of the branches of the Association, either in the Provinces or in the Territories, which in the opinion of the President for time being, is hostile to the interests of the Chiefs and people or in direct conflict with the expressed desire of the majority of the Chiefs shall be considered valid and operative.

32. Every Chief in the Territory affected thereby as in the preceding clause mentioned may appeal through the Elected Representative (hereinafter referred to) direct to the President of the National Congress to contravene thereon as hereinbefore provided.

33. If any such motion or decision arise within Provinces the Chief therein affected as aforesaid, shall have the right to appeal to the Chairman of the Provincial Congress for intervention thereon, subject to the confirmation of the President.

34. All disputes between Chiefs, upon being reported to the President, shall be referred to arbitrators in that Province or Territory nominated by the President through and by the advice of the Chairman of the Province or Elected Representative of the Territory (as the case might be). The said arbitration shall in all and every case be conducted under the direction of the Chairman or Elected Representative the sum of ten pounds or give adequate security thereof for the purposes of the Arbitration. And the party who on the day of arbitration has failed to deposit the said sum or to give security thereof shall not be heard in the enquiry and for all purposes thereof he shall be treated as a person in default.

36. Any party dissatisfied with the award may request the Chairman of the Provincial Congress to refer the matter for review in the ensuing meeting of the National Congress by a Council of Chiefs in which review at least ten Chiefs shall be present. The party so appealing shall deposit with the chairman thereof a further sum of £20 for the said purpose. The decision of the said Council shall at the absolute discretion of the Executive Committee be final. Any dispute between the Chief and any of his people, upon being referred to the National Congress for arbitration, the Chairman of the Provincial Congress shall appoint a Board of Arbitrators consisting of three men. And for all purposes of this provision, clauses 43, 44, and 45 hereof shall apply in all respects.

37. Whenever there is a separate session of Chiefs as hereinbefore provided, the President or his deputy shall

have
 preside. All the members of the Executive Committee and including the Elected Representatives of the Territories shall have a right to sit and therein except that in all matters of dispute between the Chief and Chief they shall have no right to vote.

38. In each Territory there shall be appointed by the President at the nomination and approval of the Head Chief a representative of the National Congress in that Territory. His duties shall be to receive all notices and edicts and matters of the National Congress and communicate same to that Territory through the recognised channels. And shall also receive collect and transmit all matters and things therein to the President. He shall hold his position under the direction and control of the President and shall be the Official Representative in all meetings of the Association.

39. Each Territory through its Chief Ruler shall contribute to the funds of the Association a fixed sum. And every district of the Chief within the Province shall contribute through its ruler, a sum not exceeding £50 per annum according to the size and proportion of the district. A special session of the Chiefs during the sitting of the National Congress shall determine the amount to be contributed by each district thereof within the extent aforesaid, with the advice of the Executive Committee. *Great let out*

40. All monies of whatever nature or purpose intended for the Association from and contributed by the Territories shall be paid to the Senior Treasurer of the National Congress. Also all monies of similar description from and contributed by district of Chiefs within the Provinces shall be paid to the Treasurer of the Provincial Congress, who shall pay over to the General Treasurer one third thereof.

Direct to
Senior
General
 41. All Chiefs shall be ex-officio members of the Association with the right to attend and speak in all its meetings whenever and whensoever.

42. Chiefs within the Provinces shall be Honorary Vice-Chairmen in all districts and local branches and be delegates for their districts in the meetings of the Provincial Congress with a separate place of honour and a right of preference to audience. Each shall pay an honorary membership fee to the Association of one guinea.

43. In every district of a chief within the Province with the approval of himself there shall be appointed

Branch
Branch
Branch
 an official representing the interests of the Association under the control and direction of the Chairman of the Provincial Congress and through whom all the affairs of the Association shall be made known to the Chief and his district. He shall attend all the meetings of the Provincial Congress and be ex-officio member of its Executive Committee. All reports, grievances, notices etc to and from and affecting the district shall be made through him and the Chairman of the Provincial Congress. He shall be designated the "District Agent" of the Association.

Branch
 44. The District Agent shall attend the meetings held by the chief in his district and read all notices etc from the Chairman of the Provincial Congress and generally report the result thereof. He shall attend the meetings and Committees of the Provincial Congress at the expense of his district.

General
 45. For the purposes of these presents, the under-mentioned places, are hereby declared to be the Territories for the time being viz:—(1) Basutoland, (2) Swaziland, (3) British Bechuanaland and (4) Bechuanaland. *Basutoland, Swaziland, British Bechuanaland, Bechuanaland.*

Branch
 46. The National Congress (through the Executive Committee,) shall define, declare, demarcate and subdivide the Territories, Provinces, Divisions, Districts and Branches and shall also from time to time create new ones with demarcations or subdivisions and form associations therein and appoint officers or representatives thereon, under control of the Association. The Transkeiam Territories with the existing boundaries are hereby declared a Province and to have a Congress constituted in all respect and with powers and functions of a Provincial Congress (within the meaning of Chapter VII of these presents.

ATTACHED BODIES.

47. It shall be competent and lawful for any independent body to attach itself to or join the

Association under such conditions as the Executive Committee shall approve. Any new body desiring to join or affiliate in the Association, shall make application thereof as near as possible in the form in the schedule hereto marked "A."

48. Upon the approval of the application of a new body it shall be entitled to receive all notices etc of the Association subject to the constitution hereof; and shall also be entitled to send to the meetings of the Association delegates the number whereof to be determined by the Executive Committee in every instance (*mutatis mutandis*.)

49. It shall be the duty of the National Congress and its branches to foster and enlist the sympathy and practical support of the ministers of religion and their denominations either individually or collectively, by such ways and means as the Executive Committee shall deem expedient and practicable.

CHAPTER VI:

(A) PROVINCIAL CONGRESS. *Branches*

50. In each of the ⁵¹²four provinces of the Union of South Africa, to wit, Natal, Orange Free State, ⁸⁷¹Transvaal and Cape Province, there shall be a Congress to be held once in every year on the first Monday in August at such places within the province as shall be appointed. *Branches*

51. The said Congress (hereinafter called the Provincial Congress") shall be called by the name hitherto accustomed to be called in each Province, namely, "THE NATAL ~~NATIVE~~ CONGRESS" in Natal, "THE ORANGE FREE STATE ~~NATIVE~~ CONGRESS" in the Orange Free State, and "THE TRANSVAAL ~~NATIVE~~ CONGRESS" in the Transvaal, "THE CAPE ~~NATIVE~~ CONGRESS" in the Cape Province and the "TRANSKEIAN ~~NATIVE~~ CONGRESS" in the Transkei and shall be

DECEMBER 1910 - 1911
WEST BRANCH of N.C.
at ...

Chairman

presided over by the President (hereinafter referred to as the Chairman of the Province.)

52. The said Provincial Congress shall be composed of the Chiefs, delegates and officers of the Congress within the Province and such other special delegates as may be approved.

53. The Chairman of the Province shall be elected by the Provincial ~~Congress~~ and be the representative official of the National Congress in the Province acting under the direction of the President for the time being. He shall have a seat in the Executive Committee of the National Congress. There shall also be a vice-chairman, a Secretary and a Treasurer each elected by the Provincial ~~Congress~~.

54. There shall be a Committee of the said ~~Congress~~ consisting of (1) the chairman, vice-chairman, the secretary, ~~treasurer~~ and the districts agents, The quorum shall be five and shall meet at least once a quarter.

55. The Provincial ~~Congress~~ shall work and control all the affairs of the Association within the Province and shall carry on and conduct all the organisation therein and to exercise all powers and functions delegated to it for execution, subject however in all and everything and particular to the supreme authority of the National Congress and the provisions of these presents.

56. Subject as hereinafter provided in the Rules and Order of Procedure, the Provincial Congress shall consider (1) the financial statement, (2) report of the chairman (including any communication from the President) (3) report of the district agents, (4) election of official representatives in the National Congress, (5) consider any special recommendation or report to be sent to the National Congress with or without reference to any report or resolution adopted or having been referred thereto by the National Congress, (6) discussion of any matter

specially affecting the Province and for report to the National Congress, (7) the division and subdivision of of any district or districts for the purposes of organisation etc and the boundaries thereof.

Branch 57 The Provincial Congress are, subject to the rights of the National Congress, hereby empowered to institute in their official capacity any enquiry or investigation they may deem expedient, within the Province, whether affecting an officer, delegate, member, branch or district and to settle by arbitration or otherwise any dispute or matter whatsoever arising within the Province.

58. The Chairman in conjunction with the Committee, shall obey and be responsible to the National Congress for the execution of all its resolutions and orders etc, by and through the President in so far as the province is concerned :

- Branch*
- (a) And the Chairman shall convene the Provincial Congress by not less than 4 weeks' notice in the newspapers or by circular addressed to all the branches and district agents ;
 - (b) Shall appoint the time and place of meeting and preside over the meetings ;
 - (c) Is the ex-officio chairman of all the district and branch committees and also of any special Committee in the Province.
 - (d) Is responsible to the National Congress for the maintenance of order and discipline and also for the organisation within the Province.

Conf.
Provided that, as to the appointment of place of the next meeting of the Provincial Congress, the decision of the Committee shall be followed ; And that any district or place shall be at liberty to invite the next Provincial Congress to a place within its district.

Conf.
59. The existing constitutions of or the Rules and Regulations hitherto governing the respective Provincial Congresses, in so far as they (and each of them) are consistent with these presents, shall be deemed

21
Rules

?

This constitution¹⁷ will from henceforth
 be the only constitution controlling the Congress
 and be construed to be part and parcel of and in
 addition to these presents but not otherwise.

60. Every district or branch within the Province shall be entitled to send a delegate to the Provincial Congress; And any body or bodies attached to the Association may send a delegate approved by the chairman of the Provincial Congress with the advice of the Committee.

Conf.
 Branch
 Branch

61. No meeting of the Provincial Congress shall be held and no act or matter of the said meeting shall be valid and binding for any purpose whatsoever, unless at least ten ordinary delegates shall have been present and voted in the said meeting. And the chairman of the Province shall in that event dismiss the meeting or adjourn it until required the number of delegates shall be present.

62. It shall be the duty of the Chairman of the Provincial Congress to at least once a year visit the Chiefs within the Province in the interests and objects of the Association and to report to the Chief Executive the result of his tour from time to time. He shall also visit and inspect the work of the District Agents, District Committees and branches throughout the Province and give his report thereon to the meeting of the Provincial Congress in the Annual Meeting and such a report as dealt with and adopted in the meeting shall be sent to the National Congress, after which it shall be the property of the Association

Branch
 Branch

63. The Chairman of the Province shall transmit to the National Congress all resolutions and decisions and all matters whatsoever transacted by each meeting. And any resolution and petition intended to be submitted before the Union Provincial Councils, Municipal Councils or other local authority shall, when passed in the meetings be submitted to the President of the Provincial Congress.

Chairman

Handwritten signature or initials in purple ink.

(B) DISTRICT BRANCHES.

Branch 64. The Provincial Congress shall control and manage all district and local branches (hereinafter referred to as "the Branches") within their respective jurisdictions and shall form and create new Districts or sub-divisions with branches or sub-branches therein with defined boundaries under their control and management subject to the provisions of these presents, when all the branches are met together in the Province by representation such meeting shall be known as the Provincial Congress. The Chairman of the Province may declare the Witwatersrand Area a district with sub-branches and in that event it shall have the right to elect eight delegates.

Confirms 65. The branches shall consist of the members of the Association who are ipso facto members of the branches in which they have joined.

Branch
Other. 66. There shall be a meeting of the branch at least once a quarter convened to consider their greivances and local affairs, enrolment of members, matters for or from the Provincial Congress, the election of officers and ~~financial~~ matters.

67. No branch shall be formed or be deemed a branch of the Association unless at least 25 ordinary members shall have been enrolled. There shall be one recognised branch of the Association in each district, town or locality.

?
? 68. The branches shall elect their own officers after every annual meeting of the National Congress. The officers shall consist of the chairman, secretary and treasurer and two other members of the branch all of whom shall form the Committee to manage and control the affairs thereof. The said officers shall be known as "local chairman," "local secretary," and "local treasurer," and "local committee" respectively and are hereinafter referred to as such. The quorum of the local Committees shall be

three and shall as far as possible meet once every month but in every case at least twice a quarter.

69. It shall be obligatory on the local chairman to call the quarterly meeting of the branch and upon his failure to do so, the Chairman of the Province shall have right to request the local chairman to resign. Notices of the quarterly meeting shall be issued at least one month before the date of the meeting. Notices of the special meeting at least two weeks before the date of the meeting without prejudice to clause 75 hereunder contained.

70. No business of the branch shall be transacted and be considered unless there shall be present at least 15 ordinary members thereof and the local chairman shall either dissolve or adjourn the meeting until a sufficient number shall be present.

71. It shall be the primary functions of the local Committee of the branch to enrol members, to collect membership fees and other monies and give account of same to the Provincial Treasurer as the case might be, after having made the report thereof to the branch. Also to investigate and attend greivances and to obtain redress thereof. *Sonson*

72. Each branch shall keep a (a) Register Book for enrolment of members, (b) Proper Books of account and (c) Minute Book for recording the proceedings of the meetings. And the local Secretary shall be the custodian thereof. *Required Quarterly report Book Tribunal*

73. All the books of the local Association shall be opened for inspection by any member of the local branch at any time on application and upon payment of a fee of one shilling. The Chairman of the Province shall have the right to inspect all the books by himself or his agent without the payment of a fee.

74. Copies of all resolutions and petitions which are intended to be submitted before any local authority within the Province or District shall be forwarded to the chairman of the province for consideration and decision. *★*

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75. It shall be lawful for the local chairman to convene a special meeting of the branch or to hold a series of meetings for any matter which with the advice of the local committee he may consider necessary for consideration and to raise funds in connection therewith without restriction.

76. The local chairman shall convene all the meetings of the branch and shall also preside thereon. In the absence of the local chairman one of the members of the committee (other than the secretary) shall take the chair. PROVIDED always that in all places where two or more tribes or races are represented in the branch there shall be elected one or more members representative of the other tribes or races to be vice-chairman or vice-chairmen who shall *ipso facto* be members of the local committee, and in the absence of the local chairman therefor, the vice-chairman or one of them shall take the chair.

77. The local treasurer shall receive and keep in the bank or safe custody all monies of the branch and shall render a statement of account every quarter. No monies shall be paid out for any purposes whatsoever except by the sanction of the local committee. He shall cause all monies received and paid out by him or on his behalf to be entered in proper books of account as soon as possible after receipt and payment respectively.

78. It shall be the duty of the local secretary to record in the minute book all the proceedings of meeting of the branch, to enrol members in the register, to collect and receive membership fees, contributions, fines, levies and charges and all other monies payable to the branch for and on behalf of the Association and he shall pay to the treasurer all moneys so received by him or on his behalf. The local secretary shall issue and send out orders or notices from the local chairman or the local committee, and shall conduct all the correspondence and keep all documents relating to the business of the branch. PROVIDED always that all papers, letters, documents, books and any other matter whatsoever in the possession of the local secretary are the property of the Association.

To be
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to H.E.
with
Requesting
Forms

Transmit
to S.T.
H.Q.
immediately

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SECRET

79 It is hereby declared and provided that the existing Magisterial Districts in the Provinces of the Union with their boundaries shall for the purposes of these presents each and all of them be the districts of the Association. Each of the said districts shall have one branch of the Association and it shall be lawful and competent to have sub-branches within the District.

80 The branch shall have a head office in a suitable place within the district in which the meetings of the Committee shall take place. When the sub-branches within the districts are met together (as they are hereby required to do) they shall constitute the branch of the Association and be part and parcel of the meeting of the branch for that district.

81 Every sub branch within the district shall have its boundaries and jurisdiction limited by statutory district ward, Municipal area, local Board area or in such other manner as the chairman of the province shall decide. Its officers shall occupy the position of "assistants" and "sub-committees" respectively and shall be under the control of the officers of the branch of the district but under this constitution

82 Every branch within the Province shall be entitled to send one delegate to the meeting of the National Congress, and Provincial Congress. Also an body or bodies attached to the Association or the branches may send a delegate to the National Congress and Provincial Congresses in such manner as shall be determined by the chairman of the Province.

(C) MEMBERSHIP.

83 Membership in the Association shall consist of three classes, to wit, Ordinary members, Honorary members, and Auxiliary members.

84 **ORDINARY MEMBERSHIP** will be open to all men belonging to the aboriginal races of Africa and who have attained the age of 18 years.

HONORARY MEMBERSHIP to all men and women who shall have rendered eminent services to the Bantu people and shall have attained the of age 40 years.

AUXILIARY MEMBERSHIP will be open to all women of the aboriginal races of Africa over the age of 18 years who shall be members of Bantu Women's National League of South Africa.

85 There shall be membership fee payable by each member in the Association according to the above mentioned classes as follows:—

? **///** Ordinary members shall pay 2/6 a year. **///**
 Honorary members shall pay 10/6 a year. **///**

? **///** The fees shall be collected and paid not later than the 6th day of July in each and every.

86. It shall be the duty of every member to join one branch of the Association within the locality in which the member resides. Auxiliary members under the auspices of their League whenever required shall provide suitable shelter and entertainment for members or delegates to the meetings of the Association.

? **///** 87. An Honorary member shall be proposed by the Provincial Congress through their chairman respectively and such proposal when approved shall be recommended to the National Congress for election.

? **///** 88. In the event the candidate is recommended by the Provincial Congress for election as Honorary member, the chairman thereof shall transmit to the General Secretary of the National Congress the full name address and occupation of the candidate together with the proposal aforesaid and the biographical sketch stating the particular eminent service rendered by the candidate. Whereupon the General Secretary shall cause the said proposal as recommended together with the biographical sketch of the candidate to be laid on the table of the National Congress for election or otherwise.

? **///** 89. No candidate shall be eligible for recommendation to the Honorary membership of the Association unless he has been ordinary member of the Association and has regularly paid his ordinary membership fees for a complete period of five years.

? **///** 80. The Honorary member shall have the privilege to attend and vote in person in any meeting or council of Chiefs, any meeting of the Association whatsoever and wheresoever, any deputation or delegation without any previous election or appointment. He shall not be called upon to pay any charge levy or contribution that may from time to time be imposed on the Association except the above mentioned membership fee

91. A member who pays his fee shall be entitled to have his name being enrolled in the Register kept for that purpose by the branch in which he has joined together with his place of residence and occupation. And upon payment of an extra sum of 6d. he shall have a membership card for the year. The membership card shall be precisely similar to the Form "B" prescribed in the Schedule hereto.

92. Only Ordinary and Honorary members of the Association shall have the right to vote in the meetings of the Association. PROVIDED NEVERTHELESS that no member shall be allowed to vote under any pretext whatsoever unless he has paid his membership fee for the year.

93. A member possessing the membership card issued in his name shall have undisputed right to attend all meetings of the Association in any district except however that he shall have no right to vote elsewhere other than in the branch meeting of the district in which he is enrolled a member.

94. A member removing from the district to some other district or place shall obtain from the local Secretary of his branch a removal certificate according to Form "C" in the Schedule hereto showing that he is a duly enrolled member of the Association in that branch and that he has paid his membership fee for the year or that there are no arrears thereof. A fee of 6d shall be paid for removal certificate. Upon producing the membership card and the removal certificate the said member shall be entitled to have his name transferred for enrolment in the branch of the district to which he has removed and to enjoy all rights and privileges of membership as theretofore.

95. Notwithstanding anything herein contained as to membership enrolment thereof, the enrolment of a Chief shall *ipso facto* make every individual member of the tribe a member of the Association for all intents and purposes.

(D) DELEGATES.

96. There shall be delegates to the Provincial Congress and also to the National Congress each elected by the branches of the Association. Each delegate shall be elected upon the following qualifications:—

- (a) He shall be an enrolled member of the Association;
- (b) His membership fee shall have been paid up to the date of his nomination;
- (c) He shall reside within the radius of 150 miles of the district for which he is elected.
- (d) He shall not be less than 35 years of age.
- (e) He shall be elected for the period of one year but shall be eligible for re-election.

97. It shall be the duty of the delegate to attend meetings for which he is elected, to present his credentials to exercise his right to vote and watch all matters affecting his district and other matters generally in the interest of the Association.

98. No delegate shall be obliged to attend the meeting to which he is elected unless provided with funds sufficient for travelling and other necessary expenses.

99. It shall be his duty to report to the branch for which he is a delegate all matters, decisions and proceedings come to and determined by the meeting of delegates to which he was elected and to explain the manner in which he exercised his vote in each instance and the reasons therefor.

100. A vote of censure or no confidence on the delegate passed by his constituents, shall be sufficient warrant for the delegates to vacate his seat of delegation with no other alternative.

Confused

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tree*

CHAPTER VII.

FUNDS AND PROPERTY.

101. The main sources of the revenue or income of the National Congress shall be derived from:—

- Membership Fees
- Contributions by the Provinces
- Contributions by the Territories
- Sale of Rags, Buttons etc., entertainments etc*

Other means as may be decided by the National Congress-in-Convention.

102. All membership Fees shall be paid by the Branches to the Treasurer of the Provincial Congress who shall transmit the amount thereof with the list of members to the General Treasurer of the National Congress. The Local Treasurer shall make Quarterly Returns of the members enrolled by the Branch together with the amount of membership fees so received and collected.

103. Each Branch shall be required to contribute the sum of £5 per annum towards the funds of the Provincial Congress not later than in the month of August in every year.

104. Every Provincial Congress shall be required to pay and contribute in every annual meeting of the National Congress the sum of £50. Attached bodies shall contribute annually to the National Congress a sum to be fixed by the Executive Committee.

105. All fines, forfeitures, charges and fees are the monies of the National Congress and shall be transmitted with Returns showing particulars to the Treasurer of the National Congress. All deposits paid in shall be held in trust by the General Treasurer for the particular object intended and will be applied according to circumstances as to refund or otherwise.

106. Every Chief or district of a Chief within the Province shall be required to contribute to the Provincial Congress the sum of £5 per annum.

Every Paramount Chief within the Province shall contribute the sum of £50 per annum one half of which the Treasurer of the Provincial Congress shall pay over to the Treasurer of the National Congress

107. Every Territory shall be required to contribute to the funds of the National Congress a sum of £100 in every annual meeting of the National Congress.

Where there is more than one Paramount Chief in a Territory, according to the tribes, each such Paramount Chief shall contribute to the National Congress a sum of £50 per annum. But in the event each such Paramount Chief desires to have a separate official Elected Representative, then a sum of £100 per annum shall be contributed.

108. It shall be competent and lawful for any Branch to raise money for its local purposes to any extent by any means other than membership fees. No Branch shall purchase or hire for a term premises or build upon or occupy any land without the consent in writing of the Chairman of the Province. The Provincial Congress may assist or subsidise Branches with funds for any lawful purpose.

109. It is hereby agreed declared and provided that all monies howsoever derived, received and paid to any of the treasurers, officers or members of the Association, shall be deemed in all and every respect to be the property of the National Congress. And the Treasurer for the time being or any officer, member or person having in his possession or control any monies or other property of or intended for the Association, shall be deemed to have and to hold them in trust for the National Congress.

110. And it is further agreed declared and provided that the National Congress through its Executive officers shall have the right to call upon and demand from any of the officers or members or any person whomsoever to give account of monies in his possession or control or of all monies received by him or on his behalf belonging to or intended for the Association and to enforce payment thereof accordingly.

111. The Executive Committee shall hold all the property of the Association of whatsoever nature and where ever situate in trust for the National Congress. And all title deeds or other documents creating title claim or right to any property shall be held in the corporate name of the Association and no other.

CHAPTER VIII.

OFFICERS.

112. The Officers of the National Congress shall be :—

- I. The President
- II. The Vice-President
- III. The General Treasurer
- IV. The General Secretary
- V. The Executive Committee

Each and all elected and to hold their several offices for a term of 3 years from the date of election but in the manner hereinafter expressed and provided.

I. THE PRESIDENT.

113. There shall be a President of the National Congress who shall be the Chief Executive Officer. He shall be the responsible spokesman of the National Congress in all matters of policy under the above objects and shall be the Leader of the House-in-Convention. He shall exercise all the discretionary powers for and on behalf of the National Congress and shall (except as hereinafter mentioned) appoint, suspend or dismiss officers of the Association as well as Committees, Boards and Commissions for any purpose whatsoever, by and with the advice of the Executive Committee.

114. The President shall be elected by a majority of delegates present at the Annual Convention of the National Congress after having been nominated by no less than two Provincial Congresses: PROVIDED nevertheless that if there shall be no candidate for the Presidency whose nomination shall be supported by no less than two Provincial Congresses as aforesaid, then in that event the election of the President shall be made from and out of the nominations then made by any one Provincial Congress and the candidate who shall secure the majority of the delegates present at the Annual Convention shall be declared to have been elected as the President.

115. It shall be the duty of the President in his capacity of Organiser in chief to visit the Provinces at least once during his term of office to hold conferences with local officers, to receive deputations; to hold public meetings under the auspices of the local Branches and generally to inspect the work of organisation and the affairs of the Association.

116. It shall be the primary duty of the President as the Chief Executive Officer to visit the Territories at least once during his term of office for and in the interest of the National Congress and for such other purpose as the Executive Committee may consider expedient.

117. No Person shall be eligible for nomination to the Presidency unless he possesses the following qualifications, namely:—

- (a) That he shall have been a delegate in the National Congress for three years or has been a member of the Executive Committee;

- (b) That he has attained the age of 40 years ;
- (c) That both his parent and ancestors belong to one of the aboriginal races and tribes of Africa ;
- (d) That he is the registered owner of fixed property stock or other permanent securities of the value of one hundred pounds sterling, or possesses or is entitled to an independent income of at least twenty five pounds a year.
- (e) That he is able to read, write and speak one of the official languages of the Union.

II. VICE-PRESIDENTS.

118. The Elected Representatives of Territories and the President of the Provincial Congresses (who shall have been elected as such by the Provincial Congresses) shall by virtue of their offices be designated Vice-Presidents and shall be the officers of the National Congress. And as hereinafter provided there shall be created certain offices for administrative purposes each with a responsible officer appointed out of the Vice-Presidents with certain functions assigned to him by the President.

119. The qualification to the appointment to one of the administrative offices shall as far as possible correspond with those for the Presidency as above mentioned.

III THE GENERAL TREASURER.

120. There shall be a General Treasurer elected by the National Congress on the nomination of the President on the following qualifications, viz :—

- (a) He shall have attained the age of 35 years.
- (b) He shall have been a delegate for three years or a member of the Executive Committee ;
- (c) He shall be the registered owner of fixed property or stock or other permanent securities of the value of £150 ; or possesses or be entitled to an independent income of at least £25 a year.
- (d) Or shall give a fidelity Bond or Security in any of the approved Assurance Companies of the sum of not less than £1000.

121. It shall be the duty of the General Treasurer to receive all monies for and on behalf of the Association and immediately bank the same in a bank to be approved by the Executive Committee. He shall keep a bank book, Cash Book, Journal and a ledger and such other books of account as may be necessary and shall show therein all receipts and

Take these records home
Levy *Shaw* *Johnnie*
29

payments. He shall inform the Executive Committee of the balance in the credit at each ordinary meeting, and shall attend the Annual Conventions of the National Congress, to explain the financial report and the Balance Sheet, to introduce on behalf of the Executive Committee any proposals for raising the revenue or otherwise.

122. The General Treasurer shall have under his charge and control a Committee to be called "THE TREASURY COMMITTEE" consisting of all the Treasurers of the Provinces and of which he shall be the Chairman. The quorum shall be three. The Treasury Committee shall meet twice a year to assist the General Treasurer in the discharge of his duties; to devise ways and means of raising the funds, to have custody of the Sinking Fund; to compare accounts of the respective Provinces; to suggest provision for deficiencies; to devise means upon which contributions, subscriptions, charges or levies may be made and collected to fix salaries, wages, payments, bonuses or other remuneration of officers, servants and others; to manage the upkeep of the Headquarters or permanent offices, sub offices and a buildings of the Association; to have custody of all Trust properties and other valuable property of the Association and all Deeds and documents relating thereto; to keep a vigilant eye on the expenditure and administration of funds to take charge of all public works, institutions or functions and charities or endowments; The General Treasurer to lay all the decisions of the Treasury Committee before the Executive Committee for consideration and approval.

123 The General Treasurer shall supervise and control all the Treasurers of the Provinces who shall each occupy the position of Under Treasurer. They shall pay over or account to him all monies received by them for and on behalf of the National Congress and shall obey and carry out all orders of the General Treasurer.

IV. THE GENERAL SECRETARY.

124 There shall be a General Secretary elected by the National Congress on the nomination of the President and shall possess the following qualifications:—

- (a) He shall have attained the age of 30 years;
- (b) He shall be able to read, write and speak one of the official languages of the Union;
- (c) He must have knowledge of Zulu-Sixosa, and Sesuto-Sechoana;

125 The General Secretary shall take the minutes of the Executive Committee, conduct all correspondence and have

charge of all books, Petitions and papers and other records belonging to the Association. He shall also have a minute-book, Telegram book, Despatch book, Letter book and a General Register, and such other books as may from time to time be required but all of which shall be the property of the Association.

126 The General Secretary shall inform the President of any important communication received by him and shall also lay all official correspondence, resolutions and other matters before the Executive Committee for consideration. All the decrees, announcements, orders, notices, resolutions and other authorisations made by the National Congress or the Executive Committee shall be under the hands of the President and the General Secretary for the time being. And the General Secretary shall be the ex-officio Secretary of every delegation appointed by the National Congress or by the Executive Committee.

127. It shall be the duty of the General Secretary to keep a General Register of membership as well as a Register of Delegates and he shall indicate therein clearly members who have paid membership fees, members in arrears, members who have paid fines or in default, search fees and all other payments and fees, charges and levies which under these presents are made payable by every member of the Association. It shall also be the duty of the General Secretary to appoint Inspectors to inspect the Books of the Provinces and Local Branches and to examine or enquire into any matter affecting the work of organisation as carried on in the Provinces

128 The General Secretary shall have under his charge and control a Committee to be called the ORGANISING COMMITTEE consisting of all the Secretaries of the Provinces and of which he shall be the Chairman. The quorum shall be three. The Organising Committee shall meet twice a year to assist the General Secretary to carry on and conduct the organisation; to collect and record all grievances; to formulate schemes for better and efficient organisation and for the education of the people on the objects of the Association; to bring to the attention of the Executive Committee all press comments and other matters which in any way affect or concern the work of the Association. The organising Committee shall also exercise the functions of a Privileges Committee and shall examine all complaints, questions of discipline, conduct or rights of membership and other disputes with powers to refer same to the Arbitration Board, with

the sanction of the Executive Committee. The Organising Committee shall deal with all other matters not specifically allotted or defined.

129 The General Secretary shall supervise and control all the Secretaries of the Provinces who shall each occupy the position of Under Secretary. They shall each obey and carry out all the orders and instructions of the General Secretary.

V. THE EXECUTIVE COMMITTEE.

130 There shall be an Executive Committee, consisting of officers holding responsible function, the first number shall be 15 who shall include the following:—

The President, the Representatives of Territories, the Chairman of the Provinces, the General Treasurer and the General Secretary. The Chairman thereof shall be the President, and in his absence one of their members other than the General Secretary. The number of members of the Executive Committee may be increased or reduced according to the requirements of responsible offices, but they may not exceed 20 in all.

131 The business of the Association shall be managed by the Executive Committee, who shall control all the funds and pay all such expenses preliminary and incidental to the formation and registration of the Association and further who are hereby invested with and shall exercise all such powers of administration and management and control, and do on behalf of the National Congress-in-Convention, subject nevertheless to the provisions of these presents and to any resolution or authority of the National

But no resolution by the National Congress-in-Convention shall invalidate any prior act of the Executive Committee which would have been valid if such resolution had not been made.

132 The Executive Committee shall meet at least once a quarter for the despatch of business, seven members shall form a quorum. The General Secretary shall upon request in writing of two members of the Executive Committee, summon a Special Meeting of the Executive Committee, Notice of every meeting of the Executive Committee, stating the general particulars of all business to be considered at such meeting shall be sent $\frac{7}{8}$ by post to each member thereof at least 14 days before such meeting, unless urgent circumstances require shorter notice, but the proceedings of any meeting shall not be invalidated by any irregularity in respect of such notice or by reason of any business being

considered which is not comprised in such general particulars. The General Secretary may also publish the notice of the meeting but without being obliged to publish the particulars of the business.

133 In addition to all powers hereby expressly conferred upon them and without detracting from the generality of their powers, the Executive Committee shall have the following powers, namely:—

(a) To administer the funds of the Association in accordance with the Constitution, All expenpiture to be limited to administration expenses and to such objects and things as they shall consider most beneficial for the purposes of the Association;

(b) To invest in the name of the Association or in the name of the Trustees (if any) such part of the funds as they may see fit, and to direct the sale or transportation of any such investments and to expend or apply the proceeds of any such sale for the purpose of the Association.

(c) To acquire in the name of the Association or in the name of the Trustees (if any), build upon, repair, improve, sell or dispose of, let or otherwise deal with any land, buildings or premises for the use of the Association.

(d) To enter into contracts on behalf of the Association.

(e) To borrow money upon the security of any of the property of the Association and to grant to be granted mortgages, bonds, debentures or other securities for securing the same.

(f) To appoint Department or Committees for any work and to delegate all or any of their powers to any Board, Committee, or sub Committee and to appoint members thereof to deal with special branches of their work.

(g) To frame amendments to the Constitution and from time to time make such rules and regulations of the Association for the furtherance of the purposes for which the Association was established and for the conduct and carrying on the business of the Association as they consider necessary or expedient, provided that such Rules and Regulations are repugnant to the objects hereof and to submit same for the approval of the National Congress.

(i) And generally to do all things necessary or expedient for the due conduct of the affairs of the Association not herein provided for:

And further it shall be the duty of the Executive Committee:—

(j) To exercise a supervising control over the various functions of all the members of the Committee and all other officials:

(k) To present to the Annual Convention of the National Congress a report of the work for the year as well as the Financial Report and Balance-Sheet; and to draw up estimates of their financial requirements for the year;

(l) To cause true accounts to be kept of all sums of money received and expended on behalf of the Association and the matters in respect of which such receipt and expenditure takes place and of the assets and liabilities of the Association

(m) To pay the General Secretary and other officers and servants of the Association such salaries, wages or remunerations as they shall from time to time think proper and to permit the General Secretary and other officers and servants to reside in the buildings belonging to the Association and may appropriate such of the apartments as they shall think fit for their use;

(n) To establish new Provinces, Divisions and Districts sub-divisions or sub-districts and declare boundaries thereon with branches; to authorise or confirm the establishment and dissolution of Branches; and to deal with or delegate to local bodies all such matters and disputes as shall arise within the Branches. To have absolute discretion in all matters affecting the Territories.

134. The office of the member of the Executive Committee shall be vacated:—

- (a) If by notice in writing addressed to the President he resigns his office;
- (b) If he ceases to be a member of the Association;
- (c) If he fails without excuse accepted by the Committee to attend three consecutive meetings of the Committee or if he fails without such excuse to attend two meetings of the Committee in one year.
- (d) If he becomes of unsound mind, or be found a lunatic; or becomes insolvent or makes arrangement or composition with his creditor.
- (e) If a vote of censure be carried against him or by vote be requested to resign; or if he does or commits any act or omits to do any act which is disapproved by the majority of the Committee.

Provided that until an entry in the vacating office by a member of the Executive Committee under one of the paragraphs of this clause shall be entered in the minutes of the Committee, his acts as member thereof shall be effectual.

135. If any casual vacancy occur in the Executive Committee the President shall fill up such vacancy for the remainder of the term. All vacancies in all other offices shall be filled up by the Executive Committee. Minutes of

the Executive Committee shall be signed by the Chairman and countersigned by the General Secretary. The President may appoint a Recorder to take minutes and to record the proceedings and deliberations of the Executive Committee.

136. In the event the President shall die or personally vacate office. The Executive Committee shall elect one of their members to act in the office for the remainder of the term. If the Executive Committee resign *en bloc* or by the majority thereof, then the speaker (hereinafter referred to) shall declare all the offices vacant, and shall thereupon act as President and within three months thereafter shall convene a special meeting of the National Congress for the election of officers and to receive nominations thereon in accordance with the Constitution

137. It shall be sufficient for the President personally to resign by notice in writing to the General Secretary who shall lay same before the Executive Committee, but where the Executive Committee resigns or vacates office *en bloc* or by majority as aforesaid then the President shall communicate the fact in writing to the Speaker. But no such resignation or vacating of office by the Executive Committee shall be effectual unless duly entered in the minutes of the Executive Committee.

VI. ARBITRATION BOARD.

138. The Executive Committee shall under this Constitution establish a Board to be called the ARBITRATION BOARD whose jurisdiction shall be for the purpose of Arbitration, settlement of disputes, hearing and conducting inquiries and deal with matters of semi-judicial character, for hearing of all complaints, charges and claims, for the interpretation of the Constitution and for the discharge of all matters referred thereto; with power to grant Awards, make rulings and findings, to give judgments and decrees in the best interest of justice, with further powers to impose fines, order forfeitures and award costs at its discretion. The parties concerned shall submit to the jurisdiction of the Board under the Deed marked "D" in the Schedule hereof.

139. The Arbitration Board shall have its Central Seat in Johannesburg and shall visit once a year to hear appeals, and to adjudicate upon all matters within its jurisdiction. It shall have branch Boards sitting in the Provinces once a year in the places appointed herein within three months after the establishment thereof; the Arbitration Board shall sit first to frame the Rules of procedure therein for the due

conduct of its business and for observance by all disputants therein. The said Rules after being confirmed by the Executive Committee and the publication thereof, shall have the force of laws as though originally inserted herein.

140. There shall be five members of the Arbitration Board with a quorum of three and the members shall be appointed by the Executive Committee and shall hold during good behaviour. The Branch Boards shall consist of three members with a quorum of two, appointed by the Chairman of the Provincial Congress and shall hold office during good behaviour. The members of the Arbitration Board shall be appointed on their wide knowledge and experience of the laws and customs and the general principles of the Bantu Government and polity. All parties shall have the right to be represented in their disputes by Counsel

No member of the Arbitration Board and its constituent parts shall be eligible for a seat in the Executive Committee of the National Congress or to hold any office in the Province or Division until he has first resigned or vacated his position in the Board. The Executive Committee shall fix adequate sum for purposes of the Board and its members subject to the vote by the National Congress. Also Provincial Congresses shall contribute their share towards the upkeep of the Board

VII. ADMINISTRATIVE COMMITTEES.

141 There shall be created certain departmental Committees for administrative purposes corresponding with the Treasury and the Organising Committees before mentioned, each with certain duties and functions assigned thereto responsible to the Executive Committee. They shall meet twice a year and the Chairmen thereof shall be one of the Vice-Presidents. The said Committees shall be :—

President

(A) RECORDS AND PARLIAMENTARY COMMITTEE.

To consider and have charge and control of all records reports and grievances, and all matters and work pertaining to Bills and Acts of Parliament, Provincial and Municipal Councils and other local authorities, Laws and the administration of justice, petitions and Resolutions and works of Commissions

(B) EDUCATION AND LABOUR BOARD

To consider and have charge and control of all matters of Education whatsoever Schools and Colleges ; all questions arising out of labour of whatever nature including contracts, wages and fair treatment and other protective measures in all spheres of labour : also to take charge of all matters arising out of Railways and Harbours

(C) LAND SETTLEMENT BOARD.

To consider and have charge and control of matters affecting Locations, Reserves, Mission Stations, Townships in and outside urban areas, squatting and all manner of settlement or occupation of land in and outside urban areas : the rights of purchase, hire and or occupation of land and the ownership thereof communally or individually ; Also to control and administer all the affairs of Agriculture and improvement of land, produce live-stock and stock-breeding and other kindred matters.

142. Each Administrative Committee shall be composed of one member from each Province appointed by the President with the advice of the Executive Committee. The quorum shall be three. It shall be competent for the Administrative Committees to have Sub-Committees of five members in each Province whose chairman shall be member of the Administrative Committee in the Province. The sub committees shall meet thrice a year and the Head Committees twice a year at such places as shall be appoint.

CHAPTER IX.

MISCELLANEOUS.

143 It shall be lawful for the Association to sue and be sued in the corporate name, and in all cases where it is necessary to serve any writ, summons, declarations, notice, process or other proceeding on the Association, service upon the General Secretary at the office of the Association shall be deemed good and sufficient service upon the Association. No suit or action shall abate by reason of any change of the person for the time being holding office of General Secretary.

144. All Powers of Attorney or other authorisations, and contracts, title-deeds and other legal documents entered into on behalf of the Association shall be good and effective

Justice
Labour
Commerce & Industries
Revenue
Public Service
Police
Religion
Foreign
Legislation
Railways

if signed or executed by the General Secretary by the order of the Executive Committee.

145. It shall be lawful for the Executive Committee to authorise the Chairman of the Province to institute or defend actions in all competent courts within the Province. No action or proceeding whatsoever shall bind or affect the property of the Association in any District or Province unless instituted or defended in the manner provided in this Constitution.

146. It shall be lawful for the Executive Committee as also for the Chairman of the Province to retain a legal advisor for their several requirements at such remuneration as may be arranged. Any Branch may also retain a legal advisor for its purposes with the sanction of the Chairman of the Province first being obtained, at such remuneration as may be arranged.

No

147. No clause in this Constitution shall be capable of being at any time suspended under any pretext whatever, unless previous notice in writing shall have been given at least one month before the meeting and on a motion passed by two thirds majority of meeting. The notice shall state distinctly the extent of the proposed suspension.

148. Nothing in these presents contained, or hereafter to be passed as supplemental thereto, shall at any time or upon any pretext whatever be rescinded, revised, altered, amended or added to except by a resolution to be passed by a two-thirds majority of the National Congress in Convention after a lapse of five years from the Registration of this Constitution.

PROVIDED always that any proposed rescission, revision, alteration, amendment or addition shall first be presented in writing at each Provincial Congress, with the usual notice of motion by or on behalf of two delegates intending to move the same, and, after approval by the majority of delegates present in the Provincial Congress the motion shall be publicly read by the Chairman of the Province, and the same to be presented before the National Congress in Convention for adoption or otherwise as aforesaid.

AND PROVIDED further that the objects of the Association shall not at any time be capable of being rescinded, revised, altered, amended or added to.

149. All the Rules, Regulations, Bye-Laws, resolutions and decisions of the National Congress and of any of its various meetings (including the Provincial Congress) and Branches at any time heretofore framed, passed or executed or brought into effect, and which are in any way in conflict with or contrary to any of the provisions contained in these

presents, shall be and the same are hereby severally repealed.

150. All speeches and communications other than by and to Europeans shall be in the Vernacular, of which Sechoana, Xosa, Zulu and Sesotho shall be principally or commonly used for all purposes whatsoever.

151. The Executive Committee may at its discretion inaugurate for political purposes a Parliamentary Party and run candidates under their control, all the expenses to be voted for by the National Congress-in-Convention under such pledges and conditions as may be determined. Further the Executive Committee may approve the co operation or affiliation for political purposes with non European Associations, either for a fixed period or during the period of attainment of a definite object but not otherwise.

152. SPEAKER: There shall be elected a Chairman to preside over the meetings of the National Congress in Convention, on the nomination and of the President. He shall be designated the "Speaker of the Convention," holding office during good behaviour and shall enjoy the confidence of the whole House. It shall be the duty of the speaker to examine the qualification of officers, with the discretion to declare the office vacant the qualification is defective.

153. DEPUTY-SPEAKER: There shall be elected in a similar manner and conditions an assistant Chairman who shall be designated "Deputy-Speaker of the Convention." His duties shall be to assist the Speaker in his capacity as Chairman and in other respects do such duties as may from time to time be assigned to him.

154. There shall also be appointed on the nomination of the President a Chairman of Committees in Convention to preside over all Committees in-Convention and to supervise and take charge of all matters that may during the convention be assigned through the Speaker for the discharge and consideration by a Committee. He shall act under the direction of the Speaker and to whom he shall make all reports of Committees-in-Convention.

155. The National Congress-in-Convention may delegate part of its business to a Committee or Committees to be appointed according to the exigencies of the occasion and the Committees to be known as "Committees-in-Convention." It shall dissolve on the making of its report or immediately on rising of the National Congress-in-Convention.

156. There shall be elected an official of the Convention called the "Clerk of the Convention," nominated by the President, and who shall hold office during good behaviour. His duties shall be:—

- (a) To examine the credentials of delegates.
- (b) To take minutes of all conventions, including any special session of Chiefs.
- (c) To call the Roll of delegates;
- (d) To receive on behalf of the Speaker all reports by Committees-in-Convention;
- (e) And generally to be a Recorder of all the proceedings and deliberations of the Conventions of the National Congress, and to discharge such other duties as may be assigned to him by the Speaker.

157. There shall also be elected on the nomination of the President, Senior and Junior Chaplains of the National Congress. They shall have been fully ordained ministers for a period of seven years and shall hold office during pleasure of the President.

Their duties shall, in consultation with the Speaker be to prescribe the time of prayers and services during the Conventions and to conduct the services thereon. The Senior Chaplain or his deputy shall preach the official sermon on the day and time appointed in the agenda.

158. It shall be competent for the Speaker to appoint Sergeants at-arms to act as ushers and orderlies in the preservation of order and the conduct of deliberations of the Conventions and generally to execute the orders of the Speaker. They shall receive remuneration varying to a sum not exceeding 10/- per diem each.

159. The Speaker shall also appoint competent persons to interpret during the Conventions and the sitting of the Committee-in-Convention. They shall receive remuneration of a sum not less than one guinea per day for their services, each interpreter. The Speaker may also appoint official Translators on such remuneration as may fix.

160. The qualifications of Speaker and Deputy-Speaker and the Chairman of Committees-in-Convention shall be the age of 40 years and with thorough knowledge of Sesotho-Sechoana, Zulu and Sixosa. They must also be able to speak, read and write one of the official languages of the Union. The Clerk of the House shall be over 25 years of age, with similar qualifications as to languages.

161. Any officer of the Association failing to attend any meeting without excuse accepted by the meeting or failing to do his duty shall be liable to be dismissed from office with or without a fine not exceeding one pound. Upon his Election every officer shall deposit with the Association the sum of one pound as security for good conduct. Also every delegates shall on election deposit with the Association the sum of one pound. No appointment to office or election

or delegate shall be good and valid as against the officer as delegate until the said deposit has been paid

162. No motion of censure or non-confidence against the President shall be in order unless notice thereof has been previously given in writing and is supported by at least two Provincial Congresses

No motion of censure or non confidence against the Chairman of Province shall be in order unless notice thereof has been given in writing and is supported by at least three branches in the Province.

No motion of censure or non-confidence against the Chairman of the Branch shall be in order unless notice thereof was previously given in writing and is supported by at least five members of the Branch.

163. The General Treasurer as well as all the other Treasurers of the Association shall on election sign a declaration accepting the office of Treasurer, as near as possible to the prescribed form marked "E" in the schedule hereunder. Also every member who has been fined or ordered to pay a penalty shall if the amount is not immediately paid, be requested to sign a note of acknowledgment thereof as near as possible to the prescribed form, marked "E" in the Schedule hereunder.

164. Any committee failing to report shall jointly be liable to a fine not exceeding five pounds or any member of the Committee failing to attend to his duties as member thereof shall be liable to forfeit his deposit with or without a fine not exceeding one pound.

165. Any member or delegate not being able to attend any meeting in person may be allowed to vote by proxy on payment of a fee of 2/6 in respect to a delegate. The proxy shall be as near as possible to the form prescribed in the Schedule hereunder and marked "G."

CHAPTER X.

STANDING ORDERS.

166 The following shall be the Standing Orders or Rules of Procedure in the Conventions of the National Congress, Provincial Congresses and Branches and Committees:—

I. Order of Procedure.

- (a) Sitting of the Administrative and other Committees.
- (b) Meeting of the Executive Committee.
- (c) Examination of credentials of delegates.
- (d) Names of delegates to be called over and responded to *viva voces*.

- (e) Reading of notice convening the meeting.
- (f) Reading of Minutes.
- (g) Reading of Correspondence, Petitions, Memorials etc., etc.
- (h) Questions to officers.
- (i) Election of Speaker, Deputy Speaker, Chairman of Committees in Convention, Clerk of the House and Chaplains
- (j) Public business: Reading of the agenda and motion for adjournment by the Leader of the Convention

II. A delegate desiring to speak must rise in his place and address himself to the chair. No interruption to his speech shall be allowed except on question of "order."

III. When two or more delegates rise to speak the Chairman shall call aloud the name of the delegate who, on rising in his place, is first observed by the Chairman: Such call shall not be challenged

PROVIDED nevertheless, that a Chief shall always receive preference: And provided further that a motion may be made that a delegate who has risen to speak "be now heard."

IV. All motions and amendments (except formal motions) must be seconded and handed to the Chairman in writing.

V. Each Speaker shall direct his speech to the motion proposed as the question for discussion or to a motion or amendment to be proposed by himself or to a question of "order."

VI. No speaker shall be allowed to speak more than once on any subject nor longer than ten minutes. He may be allowed to explain or correct a misstatement or misunderstanding in regard to some material part of his speech but he is not to introduce new matter or to interrupt a member who is speaking

VII. A mover of a substantive motion or resolution may be allowed to reply. After the mover has commenced or made his reply no other member shall speak to the question. An amendment and formal motions are not substantive motions

VIII. When a point of order arises any member may speak, immediately and commence by a statement that he rises to order. The member who was addressing the meeting must thereupon resume his seat, and so, also, must the member who rose to order: when he concluded his appeal to the chair

IX. No motion or amendment or any matter which is the same in substance may be proposed or debated upon after

it has been decided. No motion or amendment once made and seconded shall be withdrawn without leave

X Notice of every motion must be given before being presented for discussion except any of the following which may be moved without any previous notice:—

Appointing a Chairman

For consideration of any business or communication specially brought forward by the Chairman.

For the adjournment of any meeting,

For making entry or alteration on the minutes for receiving, adopting and carrying or referring back any report,

For reading, answering and considering any correspondence or other documents

For hearing any applicant or petitioner.

For the precedence of any particular business,

For appointing any business for the consideration of any future meeting

For appointing Committees or referring any matter to Committees,

On a matter of Privilege,

For closing the debate or "That the question be now put."

For any matter that is urgent or immediate,

Amendments also may be moved without notice.

XI. No notice of motion to rescind any Resolution which has been passed shall be in order, unless in addition to the names of the proposer and seconder, the names of ten other supporters are attached to the notice of motion. The rescission shall not be effectual unless the motion to rescind is carried by two-thirds majority of the members present.

XII All questions shall be decided by a majority of votes. All votes shall be counted by the Chairman or his agent but in case of a ballot scrutineers shall be appointed. Elections may be by ballot.

XIII A delegate or officer shall not absent himself from the meeting without the consent of the Chairman. No absent member shall be nominated for any office unless his consent in writing to be nominated has been previously obtained

XIV. Any delegate refusing to obey the Chairman's ruling or being guilty of irregularity or misconduct shall, upon a vote being taken, withdraw from the meeting, and the Convention shall have the right to suspend any such delegate for any period it may determine or impose by vote a penalty not exceeding five pounds with or without suspension.

XV. It shall be the duty of the Chairman :—

To keep order,

To conduct the proceedings in accordance with the recognised principles and Rules of debate.

To order any member to discontinue his speech for irrelevance, repetition, offensiveness or use of unparliamentary language or on other ground or reason.

To order the withdrawal of a member for noise, or unseemly conduct or irregularity.

To order the forcible ejection of a member for any of the above causes or other just cause.

To quit the chair upon disorder or other just reason and adjourn the meeting. By the Chairman quitting the chair in case of disorder the meeting shall be adjourned

To declare the forfeiture of a delegate's deposit or the removal of the delegate's suspension

XVI Whenever the Chairman quits the chair or announces the adjournment, the convention is thereby said to be immediately adjourned and no business subsequently transacted shall be valid upon any pretext whatsoever

XVII. If a Chairman or vice chairman shall be absent or late for more than five minutes after the appointed time, the members present forming a quorum shall immediately proceed with the meeting by electing one of them to take the chair and the Chairman so late shall be liable to forfeit his deposit hereunder mentioned.

XVIII It shall not be lawful for any member to remain standing whenever the Chairman rises to speak and no interruption shall be allowed. Deference to the Chairman's ruling and authority shall always be paid by all members.

XIX It shall be competent for the Committee of the Branch to cause a list of members in default with their membership fees, fines or other payments to be read aloud in the meeting or to be published or posted on the door of the place in which the meeting of the Branch is ordinarily held. No such reading or publication shall be in order until one month's notice to that effect has been given to the member or member in default.

XX. Anyone or more of the Standing Orders or Rules of Procedure on grounds of urgency or expediency, upon motion made after notice has been duly given in writing, may be suspended at any meeting, so far as regards and business at such meeting for that particular occasion only, provided it is agreed upon by two-thirds majority of members present at the meeting

XXI This constitution shall be printed in two editions of Sechoana-Xosa and Zulu-Sesotho, and every officer of the Association shall possess a copy.

XXII It is hereby declared that for the conduct of business in the Convention the Rules of Procedure herein contained shall each and every of them be read as supplemental and in addition to the rules observed in the Houses of Parliament of the Union. And in the event of conflict between the Rules and those of the Union Parliament the Rules herein contained or any future Rules and Regulations for the conduct of the business of the Convention, shall always prevail.

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