

**CAPE OF GOOD HOPE;
REPORT OF THE SELECT
COMMITTEE ON THE PASS
LAWS OF THE COLONY**

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Cape of Good Hope; Report of the Select Committee on the Pass Laws of the Colony by Various

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VARIOUS

**CAPE OF GOOD HOPE;
REPORT OF THE SELECT
COMMITTEE ON THE PASS
LAWS OF THE COLONY**

Cape of Good Hope, Parliament, House, Select
= committee on the pass laws of the colony

CAPE OF GOOD HOPE

REPORT

OF THE

SELECT COMMITTEE

ON THE

PASS LAWS OF THE COLONY.

Ordered by the House of Assembly to be Printed.

1883.

CAPE TOWN:

W. A. RICHARDS & SONS, GOVERNMENT PRINTERS.

1883.

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REPORT

OF THE

SELECT COMMITTEE appointed by order of the House of Assembly, dated the 26th July, 1883, to consider and report upon the existing PASS LAWS of the Colony, with power to take Evidence and call for Papers;—Committee consisting of the ATTORNEY-GENERAL, and Messrs. W. AYLIFF, IRVINE, FROST, and GUSH.

Your Committee, after taking Evidence, and considering the questions submitted to them, have come to the conclusion that it is desirable, in the interests of the Colony, that an efficient Pass Law should exist, and would recommend the introduction of such a measure.

2. The evidence taken by your Committee goes to show that the Natives do appreciate a Pass as a protection, and are not averse from taking the trouble to obtain one, feeling that thus they will be enabled to move about with safety, and without being subjected to delay.

3. Your Committee consider that while all Natives should be required to carry a Pass, an exception ought to be made in the case of persons of good character, to whom Certificates of Citizenship should be granted.

4. They are also of opinion that the greatest possible facilities should be afforded for the granting of Passes.

JOSEPH GUSH,

Chairman.

Committee Rooms,
House of Assembly,
31st August, 1883.

v

PROCEEDINGS OF COMMITTEE.

PROCEEDINGS of the Select Committee appointed by Order of the House of Assembly, dated the 26th July, 1883, to consider and report upon the existing Pass Laws of the Colony, with power to take Evidence and call for Papers;—Committee consisting of the ATTORNEY-GENERAL, and Messrs. W. AYLIFF, IRVINE, FROST, and GUSH.

Monday, 30th July, 1883.

PRESENT :

Mr. W. Ayliff,
,, Gush,

Mr. Frost,
,, Irvine.

Clerk read Order of the House, dated the 26th July, appointing the Committee.

Resolved,—That Mr. Gush be Chairman of the Committee.

Clerk laid upon the Table,—

Return relating to Pass Laws and Certificate of Citizenship [A. 91—'82].

Committee deliberated.

Resolved,—To request Mr. Hemming, C.C. and R.M., of King William's Town, to attend at the next meeting to give evidence.

Committee adjourned till to-morrow at 11 a.m.

Tuesday, 31st July, 1883.

PRESENT :

Mr. GUSH (Chairman).

Mr. W. Ayliff,
,, Irvine,

Mr. Frost.

Clerk laid on the Table,—

(1.) Act No. 22 of 1867,—Native Pass and Contract Law Amendment Act.

(2.) Report of the Commission on Native Laws and Customs [G. 4—'83.]

(3.) Report of the Natal Native Commission, 1881-82.

Mr. John Hemming, Civil Commissioner and Resident Magistrate, King William's Town, examined.

Committee in deliberation.

Resolved,—That Mr. J. Rose Innes, C.M.G., Under Secretary for Native Affairs, be requested to attend the next meeting of the Committee, for the purpose of giving evidence, and to bring with him copies of any special instructions which have been issued bearing upon the question of Passes within the Colony or the extra-Colonial territories.

Committee adjourned till Thursday at 11 o'clock.

Thursday, 2nd August, 1883.

PRESENT :

Mr. GUSH (Chairman).

The Attorney-General,		Mr. Irvine,
Mr. W. Ayliff,		„ Frost.

Mr. J. Rose Innes, C.M.G., Under Secretary for Native Affairs, examined, and put in a copy of Proclamation No. 13 of 1882.

Resolved,—That Mr. Innes be requested to prepare memorandum of those he considered should be exempted from operation of Pass Laws.

Resolved,—That Mr. Innes be further requested to transmit to Committee a copy of Circular issued to Transkeian Magistrates as to Pass Act.

Committee in deliberation.

Resolved,—That Mr. Van Rensburg, M.L.A., be requested to attend the next meeting of the Committee, for the purpose of giving evidence.

Committee adjourned until Friday at 12 o'clock.

Friday, 3rd August, 1883.

PRESENT :

Mr. GUSH (Chairman).

The Attorney-General,		Mr. W. Ayliff,
Mr. Irvine,		„ Frost.

Mr. Van Rensburg, M.L.A., examined.

Committee in deliberation.

Resolved,—That the Hon. J. Vermaak, M.L.C., and Mr. J. Rose Innes, C.M.G., Under Secretary for Native Affairs, be requested to attend the next meeting of the Committee, for the purpose of giving evidence.

Committee adjourned till Tuesday at 11 o'clock.

Tuesday, 7th August, 1883.

PRESENT :

Mr. GUSH (Chairman).

Mr. W. Ayliff,		Mr. Frost.
The Attorney-General,		

Mr. J. Rose Innes, C.M.G., Under Secretary for Native Affairs, further examined, and put in the following papers :—

- (1.) Government Notice No. 78 of 1878.
- (2.) Letter from Resident Magistrate of Stockenstrom, dated 29th December, 1877.
- (3.) Circular from Office of Secretary of Native Affairs to the Chief Magistrates of the Transkei and East Griqualand, 29th September, 1877.
- (4.) Letter from ditto to Chief Magistrates of Transkei, 11th June, 1881.
- (5.) Extract from letter addressed to Chief Magistrate of Transkei, 23rd May, 1883.
- (6.) Letter from the Chief Magistrate of Transkei, dated 24th May, 1881.

[*Vide Appendix A.*]

Resolved,—That the Hon. J. Vermaak, M.L.C., be requested to attend the next meeting of the Committee, for the purpose of giving evidence.

Committee adjourned till Friday, 10th August, 1883, at 11 o'clock.

Friday, 10th August.

PRESENT :

Mr. GUSH (Chairman).

Mr. Ayliff,		Mr. Irvine.
„ Frost,		

Mr. Bradfield, M.L.A., was examined.

Resolved,—To request the attendance of the Honourable J. A. Vermaak, M.L.C., and the Hon. R. M. Bowker, M.L.C., on Monday next, to give evidence.

Adjourned till Monday at 11 o'clock.

Monday, 13th August, 1883.

PRESENT :

Mr. GUSH (Chairman).

Mr. W. Ayliff,		Mr. Irvine.
„ Frost,		

Hon. J. A. Vermaak, M.L.C., examined.

Hon. R. M. Bowker, M.L.C., examined.

Committee in deliberation.

Committee adjourned till Thursday at 11 o'clock.

Thursday, 18th August, 1883.

PRESENT :

Mr. GUSH (Chairman).

Mr. Frost,

Mr. Irvine,
,, W. Ayliff.

Mr. J. L. Bradfield, M.L.A., examined.

Committee deliberated.

Committee adjourned till Tuesday, the 21st instant, at 11 a.m.

Tuesday, 21st August, 1883.

PRESENT :

Mr. GUSH (Chairman).

Mr. W. Ayliff,
,, Frost,

Mr. Irvine.

Committee in deliberation.

Mr. Irvine moved :—That the following documents be laid before the Committee.

1. Blue-Book on Native Affairs for present year.
2. Copy of the Vagrancy Act.
3. Copy of Cattle Removing Act.

Resolved,—That the Chairman be instructed to bring up draft Report at the next meeting of the Committee for consideration.

Committee adjourned till Friday at 10 o'clock.

Friday, 24th August, 1883.

PRESENT :

Mr. GUSH (Chairman).

Mr. W. Ayliff,
,, Irvine,

Mr. Frost.

Clerk laid on the Table,—

- (1.) Act No. 23 of 1879, Vagrancy Act.
- (2.) Act No. 14 of 1870, Cattle Removal Act.
- (3.) Blue-Book on Native Affairs, 1883, and Appendix [G. 8—'83.]

The Chairman submitted the following draft Report :—

Your Committee have to report that, after taking evidence and considering the question submitted to them, they have come to the conclusion that a Pass Law is both desirable and necessary, and would recommend the introduction of a Bill for that purpose.

The evidence is almost unanimous that the native is protected by a pass, and also that he is always anxious to obtain one, feeling that he can, when on his own or his master's business, move about with safety, and without being subjected to delay, whilst, on the other hand, without this protection, the native will be prevented from roving about for unlawful purposes or on frivolous pretexs.

Your Committee consider that passes should be classified, and that all natives of good character should have certificates of citizenship, which should be stamped, and other natives should be compelled to carry a pass. And, in order to facilitate the granting of passes, more officers should be appointed, and that landholders should be allowed to grant passes to their own servants.

Committee in deliberation.

Committee adjourned till Monday at 11 a.m.

Monday, 27th August.

PRESENT :

Mr. GUSH (Chairman).

Mr. W. Ayloff,
,, Irvine,

Mr. Frost.

The Clerk submitted a Memorandum on Pass Law by Mr. J. Rose Innes, Under Secretary for Native Affairs. (*Vide Appendix B.*)
Committee in deliberation.

Resolved,—To defer the consideration of the draft Report in consequence of the absence of the Attorney-General.

Committee adjourned till Tuesday at 11 o'clock.

Tuesday, 31st August, 1883.

PRESENT :

Mr. W. Ayloff,
,, Frost,

Mr. Gush.

Committee in deliberation.

Resolved,—That the Memorandum submitted by Mr. Innes be printed.

Committee adjourned till Friday at 10.30 a.m.