



15th August, 1944.

The Secretary for the Interior,
Department of the Interior,
Union Buildings,
PRETORIA.

Sir,

re: Draft Occupation Control Ordinance (Natal).

At a meeting of my Council's Special Committee re Indian Affairs which was held a few days ago, I was directed to inform you that the members of the Committee have reason to believe that the Government's Law Advisers have expressed the opinion that it would be ultra vires the powers of the Natal Provincial Council to provide in an ordinance for the regulation and control of transactions for the acquisition as well as the occupation of immovable property, where members of different racial groups are involved. I was directed to inform you that my Council has been given a contrary opinion by its Standing Counsel, Mr. F.R. Shaw, K.C.

I have the honour to enclose herewith a copy of the Case for Opinion submitted to Mr. Shaw and a copy of the Opinion which he gave thereon, and to request you to be good enough, in the public interest, to lay these papers before the Government's Law Advisers with the request that they should reconsider the question in the light which these documents cast upon it. The members of the Committee would be greatly obliged if you would do this and, if you would let me hear from you in the matter in due course.

In the event of the control of acquisition being held to be beyond the present powers of the Natal Provincial Council, I was further directed formally to enquire from you whether His Excellency the Governor-General would be prepared to confer jurisdiction on this subject upon the Natal Provincial Council under Section 55(xii) of the South Africa Act. The members of the Committee would be obliged if you would let me hear from you on this point also, should it arise out of the advice given to the Government regarding the present legal position.

I have the honour to be, Sir,

Your obedient Servant,

SIMILAR LETTER TO
PROVINCIAL SECRETARY.

TOWN CLERK

Annexures.

See FILE 527 (12) FOR ANNEXURES