

C O P Y

S/14/8/58/356

UNIVERSITY COLLEGE OF FORT HARE

R/1551

6th August, 1958.

Messrs. Hutton and Cook,  
P.O. Box 44,  
Kingwilliamstown.

Gentlemen,

You will doubtless recall that your Mr. Cook and Mr. Stanford attended a meeting of the Executive Committee of the Governing Council of the University College of Fort Hare on 5th December, 1956, following the arrest of Acting Principal Z.K. Matthews early that morning.

At that meeting your Mr. Stanford gave it (as I understood) as the opinion of your Firm that the Governing Council remained under an obligation to continue to pay full salary and emoluments to Professor Z.K. Matthews and that to do otherwise before he was convicted of any offence under law would be illegal.

The Chairman of Council, Dr. T. Alty, reported the circumstances of Prof. Matthews' arrest and absence from College and your opinion in connection therewith to Council at its meeting on 12th April, 1957, and Council resolved as follows (Minute 1777):

"That Professor M.H. Giffen should act as Principal of the College with a basic salary at the rate of £2,000 per annum with effect from 5th January, 1956, until the end of the preparatory examination for the treason trials being held at Johannesburg.

The Council agreed that entertainment allowance at the rate of £200 per annum should cease to be paid to Professor Matthews as from 12th April, 1957, and should be paid to Professor Giffen as from that date until the end of the preparatory examination.

The Council resolved to grant Professor Z.K. Matthews leave with full pay and allowances (which now do not include entertainment allowance) from his duties as Acting Principal until the end of the preparatory examination."

At a Special meeting of Council held on 11th October, 1957, the following minute (No. 1805) was adopted:

"The Acting Principalship

The Chairman (Dr. Alty) reported that Prof. M.H. Giffen had tendered his resignation as Acting Principal and had requested, in his letter, that he be relieved of his duties immediately.

He (the Chairman) had accepted Prof. Giffen's resignation and had asked Prof. Z.K. Matthews to resume duty as Acting Principal as from October 1st until Council met on October 11th.

The Council approved the action taken by the Chairman.

The Council then discussed future arrangements with regard to the Acting Principalship.

After a full debate the Chairman proposed and Mr. Glyn Thomas seconded the motion:

"That the Council recall Prof. Z.K. Matthews from leave which had been granted to him under Minute 1777".

A ballot was taken and the motion was carried by ten votes in favour to eight against."

Professor Matthews continued to be Acting Principal with full pay and allowances including entertainment allowance until 1st January, 1958, when Mr. H.R. Burrows assumed duty as Principal of the College.

Since 1st January/....

Since 1st January, 1958, Prof. Matthews has been receiving the pay and emoluments of a Professor and has been in regular performance of his duties until 30th July when he departed for Pretoria to appear at the Treason Trial.

Since the departure of Prof. Matthews for Pretoria concern has been expressed to the Principal lest, in the light of Section 19 (a)(ix) of Part VI (LEAVE) of Government Notice 5045 published in the Extraordinary Gazette dated 27th March, 1953, the Governing Council has acted ultra vires in granting Professor Matthews leave on full pay (c.f. Minute 1777 quoted above) and in allowing him leave of absence on full pay while he is in Pretoria for the Treason Trial.

You will observe that in terms of Section 19(a)(ix) an employee may be granted leave on full pay if he is acquitted. The concern felt is lest the corollary applies and that if the employee is not acquitted the granting of leave on full pay will have been irregular.

I should therefore be grateful if you would again give your opinion in this connection in the light of Section 19 (a)(ix) of Part VI referred to above.

If you should feel that there is any doubt in matter or of interpretation, the Principal would call a Special meeting of Council to explain the circumstances to Council and to allow the Council to take whatever action it thought advisable in order to safeguard itself and each of its individual members.

An early reply would be very greatly appreciated.

Yours faithfully,

(Signed)

Fulque Agnew

Registrar.