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# Final Statement

SUBMITTED BY

## THE NATAL INDIAN ASSOCIATION

(With which are amalgamated the Natal Indian Congress and the Colonial Born & Settlers' Indian Association.)

TO

## THE INDIAN PENETRATION COMMISSION

Appointed by the Union Government of South Africa,

UKZN  
Gandhi-Luthuli  
Documentation  
Centre  
1940-1941

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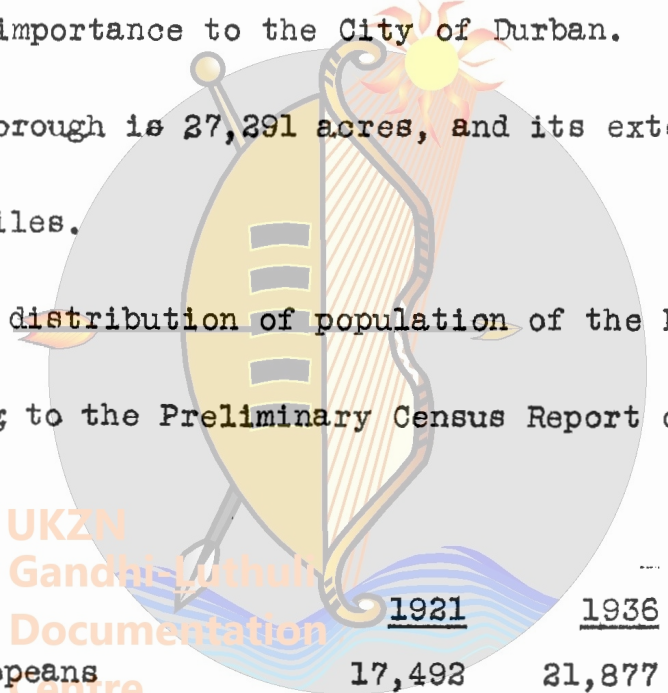
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BOROUGH OF PIETERMARITZBURG.

1. The Borough of Pietermaritzburg (referred to in this Statement as City Council) was constituted in the year 1855, and the City which is the Capital of Natal is next in importance to the City of Durban. The total area of the Borough is 27,291 acres, and its extent is 42.6 square miles.

2. The distribution of population of the Borough according to the Preliminary Census Report of 1936 is :-



	<u>1921</u>	<u>1936</u>	<u>INCREASE.</u>
Europeans	17,492	21,877	25%
Indians	6,830	8,810	28.9%
Coloured	1,082	2,328	115.1%
Native	9,756	14,406	47.6%

3. The number of Municipal Votes held by Indians in 1924 was 374 and 116 in 1940.

The City Council submitted to the Commission Plans marked A.B.C.D. and E. Plan A shows the boundaries

of / ....

of the City proper bounded on the one side by the Umsunduzi River; on the otherside by Pine Street, by the Greytown Railway Line and by Dorpspruit.

The City area proper is divided into 8 Wards.

Plan A shows ownership of properties by Europeans and Indians before 1927 and after as follows :-

1. Properties coloured green were owned by Indians before 1st January, 1927.
2. Properties coloured red were transferred from Europeans to Indians between 1st January, 1927 and 31st May, 1940.
3. Properties with yellow cross against green background were owned by Indians before 1st January, 1927 and subsequently purchased by Europeans.
4. Properties marked with blue cross against red background were owned by Indians after 1st January, 1927 and subsequently reacquired by Europeans.
5. Properties with black dots on green background represent individual owners of subdivisions before 1st January, 1927.

4. Plan B gives number of properties owned by Indians as at 1926 and number of properties subsequently purchased by them to the year 1940 in each of the 8 Wards. The information contained in this Plan is as follows :-

Ward / ...

Increase.

Ward 1. No. of Indian owned properties in 1926 - 12 " 1940 - 20	8
Ward 2. No. of Indian owned properties in 1926 - 11 " 1940 - 17	6
Ward 3. No. of Indian owned properties in 1926 - 1 (sold)	Nil.
Ward 4. No. of Indian owned properties in 1926 - 1 " 1940 - 2	Nil 1
Ward 5. No. of Indian owned properties in 1926 - 0	0
Ward 6. No. of Indian owned properties in 1926 - 13 " 1940 - 18	5
Ward 7. No. of Indian owned properties in 1926 - 142 " 1940 - 158	16
Ward 8. No. of Indian owned properties in 1926 - 165 " 1940 - 184	19
	55
These represent a total increase of properties from 1926 - 1940.	55

5. Plan C which is almost identical with Plan A as regards boundaries of the City proper shows in red what are regarded by the Council as predominantly European areas in the 8 Wards, and the rest of the areas was conceded by the Council as Non-European owned and/or occupied.

6. In Plan C1 the City area is divided into 63 separate

Blocks / ...

Blocks and was specially prepared to show the localities in the Borough occupied by the Coloured community (and other non-Europeans) in 1927. Postal numbers in yellow have been marked on the various Erven shown on the Plan to indicate position of houses occupied by Coloured people in 1927. The area coloured green on Plan C1 is recognised by the Council as predominantly Indian or non-European in 1927. Non-European Communal centres such as Churches, halls, schools, etc., are shown in Black. This Plan also gives all the main streets as also cross streets in the City area.

7. Plan D gives the full area of the Borough with its boundaries. In it the City area proper is edged with green and certain parts of the outer areas are coloured Red indicating predominantly Indian areas since 1927 and certain areas are coloured Blue indicating predominantly non-European other than Indian areas in 1927.

8. Plan E shows a portion of the outer area of the Borough extending from College Road to Topham Road,

thence / ...

thence to Camp Drift Road showing areas coloured Blue as European owned; areas coloured Red as predominantly non-European and areas coloured green non-European owned, all as at 1927.

9. From the Plan "A" and Lists containing description of properties supplied by the City Council, a Schedule was compiled by us showing 60 properties which are claimed by the Council as cases of Indian "penetration" into what it regards as predominantly European area since the year 1927. This Schedule was submitted to the Commission and forms Annexure A to the Appendix.

10. From this Annexure A, it will be noticed that acquisition of properties by Indians in the 8 Wards was as follows since 1st January, 1927 :-

<u>WARD</u>	<u>NO. OF PROPERTIES</u>
1	10
2	9
3	Nil
4	3
5	Nil
6	11
7	8
8	20
	<hr/>
	60
	<hr/>

11. We propose to deal with the list of properties claimed by the Council as cases of "penetration".

On a re-examination of properties shown on Plan A of  
the / ...

the Council, 5 properties, namely Nos. 19, 31, 33, 48 and 59 were accepted as purchase of properties by Indians prior to 1927. Erven 37 and 38 Boom Street were accepted by the Council as falling within "Non-European" area, and properties Nos. 49, 50 and 51 falling within these Erven have been excluded from alleged cases of "penetration", thus reducing the total acquisition of properties from 60 to 52.

12. We shall deal with these 52 properties in the order of each Ward.

In Ward 1

Property Nos :-

1. 166 West Street
2. 88b Church Street
3. 13 and 15 Wilson Street
4. 42 Raven Street
5. 36 and 40 Raven Street
6. 48 and 52 Raven Street
7. 44 Raven Street
8. 90, 98 Church Street and 4 Wilson Street
9. 9 and 9a First Avenue
10. 16 and 20 Deane Street

and

13. In Ward 11.

Property / ...

Property Nos.

11. 33 Church Street
12. 39 Church Street
13. 59 Church Street
14. 55 Church Street
15. 142/144 West Street
16. 61 Church Street
17. 87/89 Church Street
18. 1/3 Walker Street

were purchased by Indians since 1927.

14. For the purpose of convenience, we take Wards 1 and 2 together, and shall deal with properties purchased by Indians in these two Wards.

15. Property No. 1, is occupied as a European boarding house, known as Clifton Lodge, and was purchased by an Indian for the purposes of investment.

16. This property is situate in a mixed residential and commercial area and is within 500 feet of properties owned by Indians in Church Street and West Street.

The rest of the properties is claimed to be in areas contiguous to Indian owned properties as at 1st January, 1927.

17. Properties Nos :- 3, 5, 6, 9, 14, 18 have all been purchased / ...



purchased as investment; and have been occupied by European tenants. Properties Nos 2, 8, 11, 13, 16 are shop buildings owned and occupied by Indians, and trade licences were issued in respect of these premises by the City Council. It is claimed that Properties No. 11 (33 Church Street), 13 (59 Church Street) and No. 16 (61 Church Street) contained old buildings prior to purchase by Indians, and these were demolished and modern shop buildings were erected in keeping with the appearance of the locality at a cost of some thousands of pounds. Further the evidence established the fact that the City Council approved a policy of encouraging Indians to erect modern shop buildings in this area, on plans approved by them, and granting them trade licences. Thus this policy induced Indians to invest their money in the construction of up-to-date shop buildings in place of old buildings, which were certainly an eye-sore to the approach to the main entrance of the City. In the construction of new shop buildings; and in reconstruction and renovation some £30,000 has been spent by

Indians / ...

Indians in the upper portion of Church Street.

18. Moreover the evidence led before the Commission establishes that in Wards 1 and 2 (upper part of Church Street) is a recognised Indian commercial and residential locality and it is claimed that the properties listed in paragraphs 12 and 13 are contiguous to Indian owned properties or are in an area which was predominantly Non-European by reason of ownership and occupation and the character of the locality as at 1st January, 1927.

19. In Wards 3 and 5 there has been no purchase of properties by Indians since 1927.

20. In Ward 4.

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20. 88/92 Commercial Road.

21. 168 Greyling Street

were purchased by Indians since 1927. Property No, 20 was purchased by the present Indian owner in October, 1928.

21. Next to it was a property owned by an Indian prior to 1927 and subsequently acquired by a European.

Opposite / ...

Opposite this property is 86 Commercial Road which was and still is owned by H. Leong, a Chinaman, who conducts a General Dealer's shop.

22. Property No. 20, was occupied by L.H. Greene as second-hand clothing shop who dealt mainly with Natives prior to 1927. In regard to property No. 21, (168 Greyling Street), this is in European occupation. Just above it Property No. 166, owned by a European, is let to a Native cobbler, who carries on his trade there. A few doors below property No. 21 is 184 Greyling Street, owned by R.B. Dutlow, a coloured man. Council's Plan C1 shows coloured occupation or ownership on Erven 18, 19 Boom Street and on Erven 20, 21 22 and 23 Greyling Street in 1927. It is claimed that in 1927 the character of this locality was non-European.

23. In Ward 6.

Property Nos..

22. 351/9 Church Street.

23. Behren's Alley

24. / ...

24. 3 Claybourne Street
25. 285 Greyling Street
26. 306/8 Victoria Road
27. 13 Stantial Street
28. 334 Victoria Road.
29. (3 of Erf 33 Greyling Street)  
Victoria Rd.
30. 351 Greyling Street and 26 Boshoff  
St.

were purchased by Indians since 1927. In regard to property No. 22, this was purchased by Hassan Properties (Pty) Limited in 1940 at an auction sale as an investment. It is situate at the corner of Boshoff Street and Church Street and consists of shops and dwelling house occupied by 2 Europeans as a butchery and jeweller's shop respectively and as a cobbler's shop by a coloured person. The dwelling portion of the property is occupied by Europeans as tenants. Property No. 23, (postal address - Behren's Alley) was purchased at an auction sale by the present Indian owner. It is a vacant piece of land. Property No. 24,

(postal / ...

(postal address 3 Claybourne Street) has always been occupied by a European tenant.

Property No. 25 (postal address 285 Greyling Street), property No. 26 (postal address 306/8 Victoria Road), property No. 27 (postal address 13 Stantial Street), property No. 28 (postal address 334 Victoria Road) and property No. 29 (described as 3 of Erf 33 Greyling Street) are all, we claim, situate in areas contiguous to Indian owned properties as at 1927 or are in the vicinity of properties occupied by coloured persons in 1927 as disclosed in Council's Plan "C1".

24. Property No. 30 (postal address 351 Greyling Street and 26 Boshoff Street) has always been occupied by European tenants. This was a vacant piece of land before 1927, and was purchased by an Indian, who erected 2 cottages at 351 Greyling Street and 26 Boshoff Street for investment. Next to this is a property owned by a European known as 28 Boshoff Street at which there are store and residence occupied by

H. Manson / ...

H. Manson, a Chinaman, before 1st January, 1927,

and since.

25. In Ward 7.

Property Nos.

33. 391/3 Prince Alfred St.

34. 13/15 Doig St.

35. 569 Prince Alfred St.

36. 503 Burger St.

37. 406/408/400 Church St.

38. 380/382/384 Church St.

39. 190 Retief St.

and 40. 192 Retief St.

were purchased by Indians since 1927. All these properties it is claimed are more or less contiguous to Indian owned properties and are situate in a locality where non-Europeans have been in occupation. Properties Nos. 33, 35, 36, 37, 39 and 40 have been purchased for the purpose of investment and have been in European occupation.

26. In Ward 8.

Property Nos.

41. 437 Church St.

42. 1 Prince George St.

43. 374 Berg St.

44. 438/4 Berg St.

45. 446 Pietermaritz St.

46. 96/8 and 104/8 Retief St.  
and 47. 61 Boshoff St.

were purchased by Indians since 1927. All these properties which are situate below Boshoff Street between Church Street and Boom Street are claimed to be contiguous to Indian owned properties prior to 1927 and are situate in areas which were more or less in non-European occupation. The areas in which these properties are situate taken as a whole were non-European in character by reason of ownership and occupation by non-Europeans.

27. In regard to Plan "E" submitted by the Council showing that section of Topham Road embracing area at the intersection of College Road and New Scotland Road and along Topham Road to the junction of Camp Drift Road and French Road, we claim that the character of the locality both in point of ownership and occupation was predominantly non-European in 1927. It is submitted that in the year 1874 the area was laid out for a Native settlement and Natives owned

land / ...

land and were in occupation here in considerable numbers prior to 1st January, 1927.

28. A glance at Maps "A" "C1" and "D" submitted by the City Council will show that the Indian community has been settled in 3 distinct areas, the largest being in Wards 7 and 8; the second in the Camp Drift area and the third a small sector on each side of upper Church Street embracing by-streets, down to Raven Street.

29. There has been an increase of 2000 in the Indian population since 1921 which represents an increase of 28%. It is submitted that the natural expansion to accommodate the increased population would be from East Street towards Boshoff Street. Over Dorpspruit towards Greytown Road there is no land available for Indian expansion. The number of acquisition of properties since 1927 shown in Council's Plan "A", even in predominantly Indian areas, in Wards 7 and 8 support our view as to the direction in which natural expansion took place.



30. The demarcation of areas, as shown in Council's Map C, which are claimed by it as being predominantly European as at 1st January, 1927, is arbitrary, rigid and unreasonable, and completely, ignores the right of natural expansion by a section of its inhabitants.

No notice, too, was taken of the occupancy of the Coloured population which is estimated at about 2,000, in several parts of the City proper as at 1927 - as shown in Council's Map C1. As it will be observed later, whilst making available its unalienated land to a large number of European inhabitants in all parts of the Borough, it has never offered facilities to Indian inhabitants to purchase its unalienated land.

This exclusion of Indians from participating in the purchase of unalienated land has resulted, owing to shortage of houses, particularly the economic and sub-economic types, in a large number of Indians acquiring building sites and erecting dwellings for their person occupation at Raisethorpe (old Cremorne)

on / ....

on the Greytown Road, just outside the Municipal Boundary.

31. On the other hand the Council has not only failed to meet the demand in regard to shortage of housing for Indians by providing them with sites, but has actually turned out its Indian tenants from its land (Bodha Singh's land) at Camp Drift, which was specially purchased for housing Indians, issued and carried out demolition orders against Indians residing in Pentrich area and on Hathorn's Hill on the grounds that their buildings were unfit for human habitation. Hathorn's Hill was purchased by the Council about 1939 from a European and in this area a large number of Indians with their families had been settled for some 45 years.

32. The City Council failed to provide sites to accommodate this increased population. Only last year a Housing Scheme in Boom Street (below Boshoff Street) on sub-economic basis providing 50 houses for poor type of Indians was completed. The City Council

has / ....

has made no sites available for Indian housing of economic type at any time. As illustrating the need for economic type of housing we would point out that property No. 53 situate in Greyling Street below Boshoff Street was a vacant piece of land and was purchased by an Indian from a European owner. This land was divided into 9 subdivisions and sold to Indians who have built modern type of cottages for their personal occupation. We would also submit that property No. 38 was purchased by an Indian, a portion of which he is occupying for his personal use. The reason advanced was that owing to lack of amenities and bad condition of road the Indian who had been living in William Street had to acquire this property.

33. The Council has admitted that since 1st January, 1927, 202 sites of unalienated land in select areas were sold by the Corporation to Europeans with anti-Asiatic Clause to enable them to erect dwellings but only 1 site which was in the Indian area was sold to an Indian in 1937.

34. The members of the Commission made an inspection in loco of some of the roads in predominantly Indian areas, particularly below Retief Street, and evidence was led before the Commission to establish the fact that in these Areas roads were neglected and there were no proper footpaths, drainage and lighting provided.

35. In regard to properties purchased by Indians for investment and which are in European occupation, we advance the same reasons as we advanced in respect of the acquisitions made by our people in

Durban. **UKZN  
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