

**The Development Of Umlazi Mission Station And  
Reserve, 1856 - 1948, With Special Reference To The  
Land Problem**

by

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**DECLARATION**

I, Dean Jabulani Ndaba, hereby declare that the dissertation, "*The Development of Umlazi Mission Station and Reserve, 1856 - 1948, with Special Reference to the Land Problem*" is my own work both in conception and in execution, and that all the sources used have been acknowledged.

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**ABSTRACT**

The aim of this study was to give a general survey of the history of Umlazi Mission Station with particular emphasis on the land question between 1856 and 1948. The study highlights the fact that during these years, the Anglican Mission Station was characterised by many problems which aroused much controversy among various parties concerned.

The numerous factors that led to the dispute among the parties can be broadly categorised as:

- (i) the inconsistent or erratic land policy of the Natal Colonial Government on mission stations which subsequently deprived the Blacks of Umlazi the right to own the land,
- (ii) ecclesiastical problems within the Anglican Church and the schism that emerged,
- (iii) interest shown by Whites and Indians in the mission station,
- (iv) the expansion of Durban as an industrial and commercial city, the dynamics of urbanisation and the proximity of Umlazi to Durban,
- (v) the pressure exerted by the Durban City Council to acquire Umlazi Mission for a black urban township and the resistance by black landowners at the mission station against incorporation, and
- (vi) Government intervention through the appointment of the Native Affairs Commission (1945) and the Broome Commission (1947 - 1948).

The conclusion drawn is that Umlazi was a victim of many factors - geographic, religious, social, economic and political. The crucial period in the history of the

mission station was 1942 -1948. The events during this period show how the geographic factor became the central issue in the dispute.

The mission station had inevitably to be affected by the urbanisation process because of its proximity to the rapidly growing city. In addition to the above the industrial development in Durban was following a southward direction which brought the boundaries of the city close to Umlazi. Had the mission station been situated elsewhere in some remote part of the country, as with most mission stations in Natal, the development of the area would probably have taken a different course.

This trend whereby rural areas situated close to fast growing urban areas are urbanised, is a world-wide phenomenon. However, one cannot overlook the fact that the Blacks were politically disadvantaged and without parliamentary power to veto the decision. This study shows, however, that much was done by the Smuts Government during the height of the controversy to treat the matter in an unbiased fashion by using commissions, consultations and open discussions from all parties concerned. All these events make the history of Umlazi Mission exceptional, fascinating and worthy of study.

## OPSOMMING

Die doel van hierdie studie was om 'n algemene ondersoek te loods na die geskiedenis van Umlazi sendingstasie, met besondere klem op die grondkwessie tussen die jare 1856 en 1948. Die studie beklemtoon die feit dat hierdie Anglikaanse sendingstasie gedurende die genoemde jare deur baie probleme gekenmerk is wat veel omstredenheid tussen verskeie belanghebbende groepe veroorsaak het.

Die talle faktore wat twis in die geledere van hierdie groepe veroorsaak het, kan in die algemeen onder die volgende hoofpunte ingedeel word:

- (i) die Natalse Koloniale owerheid se wisselvallige of onsekere grondbeleid m.b.t. sendingstasies, wat uiteindelik die Swartes van Umlazi ontnem het van die reg op grondbesit,
- (ii) interne godsdienstige probleme van die Anglikaanse Kerk en die skeuring wat daaruit gespruit het,
- (iii) die belangstelling van Blankes en Indiërs in die sendingstasie,
- (iv) die uitbreiding van Durban as industriële en handelstad, die dinamiese druk van verstedeliking en Umlazi se nabye ligging aan die Durbanse metropool,
- (v) die druk wat die Durbanse Stadsraad uitgeoefen het om die Umlazi-sendingstasie as Swart stedelike woonbuurt te verkry en die weerstand teen stedelike insluiting deur swart grondeienaars van hierdie sendingstasie, en
- (vi) Regerings-inmenging deur die aanstelling van die Kommissie van Naturelle Sake (1945) en die Broome-Kommissie (1947-1948).

Daar word uiteindelik bevind dat Umlazi die slagoffer van baie faktore was - geografies, godsdienstig, sosiaal, ekonomies en polities. Die jare 1942-1948 was die

beslissende tydperk in the geskiedenis van hierdie sendingstasie. Gebeure in hierdie periode toon hoe die geografiese faktor die belangrikste saak in die twis geword het.

Die sendingstasie moes onvermydelik deur die verstedelikingsproses beïnvloed word, aangesien dit naby die snel uitbreidende stad geleë was. Boonop het die nywerhede van Durban in 'n suidelike rigting uitgebrei, wat die stadsgrens tot naby Umlazi laat strek het. Indien die sendingstasie elders gelee was, in 'n afgeleë deel van die land, soos die meeste ander Natalse sendingstasies, sou die ontwikkeling van die gebied waarskynlik anders verloop het.

Hierdie tendens, waarvolgens verstedeliking van landelike gebiede plaasvind wat naby snel ontwikkelende stedelike areas geleë is, is 'n universele verskynsel. Nogtans kan die feit nie ontken word nie dat die Swartes polities benadeel en sonder parlementêre mag was om die finale besluit te veto. Hierdie studie toon ewenwel dat die Smuts-regering tydens die hoogtepunt van verdeeldheid baie vermag het om die saak op 'n onbevooroordeelde wyse te hanteer d.m.v. Kommissies, samesprekinge en 'n ope debat tussen alle belanghebbendes.

Al hierdie gebeure maak 'n studie van die geskiedenis van die Umlazi-sendingstasie buitengewoon, boeiend en die moeite werd.

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## PRELIMINARY REMARKS

This study is an exposition of the history of Umlazi Mission Station between 1856 and 1948. Umlazi Township, situated 16 kilometres south of Durban, was originally a mission station of the Church of England. The Mission Reserve that was part of the Mission Station was the only Mission Reserve of the Anglican Church in Natal.

Umlazi Mission Station remained a black rural area for close to a century since its establishment in 1856. However, its rural character did not last forever. Over the years the Durban Municipal area was bursting its seams and absorbing many areas around the city including the south coast.

Much against the will and aspirations of the black people who lived on the Mission, the Government accepted the request of the Durban City Council to incorporate Umlazi Mission to Durban. Subsequently the urbanisation of the Mission took place on a dramatic scale in the 1960s. Today Umlazi is the largest black township in Durban in terms of size, population and infrastructure.

However, this study focuses on the events and developments that took place at the Mission prior to urbanisation. The study ends in 1948 when the National Party government had just come to power. The Government agreed to the recommendations of the Broome Commission appointed by the Smuts government in 1947 to convert Umlazi Mission into a township. In principle the Mission was now destined to be on the way to urbanisation.

This research was inspired by Luthuli's book Let My People Go<sup>1</sup>. In this work the author highlights his role as a civil rights leader in which capacity he also tackled the problems of Umlazi Mission. During the 1940s Luthuli assisted the Black people of Umlazi Mission in their protest against the urbanisation of the mission.

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<sup>1</sup> A.J.Luthuli: Let My People Go, pp. 65-7.

The proposal to urbanise Umlazi had been initiated by the Durban City Council. The City Council was under pressure to acquire land to set up a township to house its huge black population and it saw Umlazi as the most appropriate area for this purpose. Luthuli and other prominent leaders represented Umlazi residents in various meetings in which the future development of Umlazi Mission was discussed.

However, since Luthuli was not writing exclusively on Umlazi, no elaborate account of the subject has been made. Consequently his book raises a number of questions with regard to the origin and development of Umlazi Mission prior to the 1940s. A more comprehensive study of the area was needed. This is what this research attempts to do. It explores the history of Umlazi Mission since the 19th century and places events Luthuli describes in their proper perspective.

Umlazi Mission was founded in 1856. This fact has meant that the research had to start from the middle of the 19th century. The long period this study covers, viz. 1856-1948, may be regarded as a limitation for it meant that many sources covering this period had to be consulted. Achieving this was not easy. Whereas some periods had plenty material available, in others the information was fragmentary and difficult to find. However, focus in this research was on the land problem and its attendant controversy. On this theme the amount of information collected and studied was reasonably sufficient to give a balanced view of the problem. Thus even though no account is given on certain periods, that this area was controversial before it was urbanised remains clear.

It must be emphasised that though this study deals with a mission station, not much attempt has been made to examine religious developments. The reason for this is that concern is more on the land problem than on ecclesiastical matters. Church and educational developments at Umlazi Mission have been described to a limited degree to highlight the level of development reached by the people of Umlazi.

The study is based largely on primary sources. These include the Durban Mayor's Minutes, reports of Commissions, letters of various officials and leaders, records of Missionaries, British Parliamentary Papers, Parliamentary Acts of the Natal Colony

and the Union of South Africa. Almost all these were obtained from Natal Archives (Pietermaritzburg). A few were obtained from the Don Africana Library (Durban). The State Archives in Pretoria also yielded a few but vital documents on the subject under study. Some Church records and other relevant materials were found at the Anglican Church Archives of the University of the Witwatersrand Library.

Much material was also unearthed from newspapers in microfilm. These were "The Natal Mercury", the "Daily News" and "Ilanga Lase Natali". The "Ilanga" was found to have much relevant information because of its geographic location. As a Zulu newspaper (founded by Dr J.L.Dube in 1903 and printed in Durban), it was used by the educated class of Zulus to reflect on matters that affected them. The black leaders of Umlazi and other prominent figures in and around Durban used the "Ilanga" as their mouth piece. This newspaper published their opinions and suggestions on the future development of the mission station.

A number of secondary sources have been used. Much of them have been used in Chapter 1 which gives a general background information on black locations (Reserves), Mission Stations and Reserves

Some of the information on aspects such as the Shepstone land policies and mission work are general knowledge. However the study seeks to interpret the same old facts in the light of our present historical perspective in order to develop a newer and fresher insight into the land problem that emerged at Umlazi.

The oral sources of the study are based on the late Dr. Nzimande's oral contribution. As a scientist of the humanities he helped with invaluable information. The weight of his contribution is highlighted by the close correspondence of his recollections with opinions by Blacks published in the newspapers, especially the "Ilanga Lase Natali" in those times.

It is noteworthy that the history of Umlazi Mission Station is interwoven with the history and development of Durban. For this reason a discussion of this city's growth

became inevitable in the study. Durban itself is characterised by a broad, detailed and complex history. Bearing the above in mind, the attempt made in this study to provide some background on the town's growth, helps to elucidate how the consequences of the growth and development of Durban affected that of Umlazi.

Finally no scientific study is without shortcomings or errors. Research always poses a challenge to people interested in a particular field or project. Should they doubt the work done or have more interest, they can do further research themselves and even make a greater contribution than that made. The writer acknowledges that this work may contain some errors and will therefore welcome constructive criticism.

Therefore this work is presented as an attempt to trace the history of Umlazi Mission and controversy arising from the land problem. The writer hopes that a student or scholar interested in <sup>the</sup> history of Durban and the dynamics of its urban development will gain a new perspective of the problems involved in modern industrialisation and urbanisation.

## CHAPTER 1

GENERAL VIEW OF THE ESTABLISHMENT OF BLACK LOCATIONS,  
MISSION STATIONS AND RESERVES IN NATAL DURING THE 19TH  
CENTURY

## 1. INTRODUCTION

Umlazi Mission Station and Reserve, which is the focus of this study, is one of a number of mission stations founded by mission societies in Natal during the second half of the 19th century. Most of these mission stations were established within Black Locations<sup>2</sup>, then called Native Locations or Reserves. The history of locations and Mission Reserves is to some extent interwoven throughout Natal colonial history. Thus it is not easy to speak about mission stations or Mission Reserves without referring to locations. In spite of this overlap, Black Locations and Mission Stations and Reserves were, as shall be indicated later in this chapter, administered separately.

In sum the aim of this chapter is to give a general view of the establishment of Black Locations, Mission Stations and Reserves. The chapter will achieve this by discussing factors that led to the emergence of these areas, the principles or policies behind their administration, white reaction towards land policies, the differences between glebes and reserves and the question of land ownership and individual titles. The Mission Reserves Act of 1895 and 1903 are also examined as they throw light on the legal background behind the formation of Mission Reserves. All these factors will be found to be relevant towards the understanding of the developments that took place at Umlazi Mission. They formed the basis for the debates that ensued about the area under study. The question of individual titles and the terms laid down in the two

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<sup>2</sup> Originally these were called "Native Locations" but for the purpose of this study the name "Black Locations" will be used. Consequently throughout this work the term "Native" shall be substituted by "Black" or "Zulu" except in quotations, titles of officials, names of bodies and publications. The term "location" also refers to a black urban village or township.

Acts cited are particularly important.

## 2. CIRCUMSTANCES THAT LED TO THE FOUNDING OF BLACK LOCATIONS (RESERVES) IN NATAL

By the end of the 19th century land in British colonial Natal had been carved and distributed to both white settlers and blacks. The distribution was done in such a manner that Blacks came to occupy land chiefly in the following areas:

1. Locations
2. Mission Reserves
3. Crown lands
4. Private lands
5. Special Trusts<sup>3</sup>

For the present this section deals with black locations and Mission Reserves since they were the chief areas scheduled for black occupation and development.

Black Locations were created shortly after the British occupation of Natal in 1843. At this time it was felt that there was a need to allocate land properly in the interest of both Whites and Blacks. The land policy followed segregatory lines.

The idea of separating Blacks from Whites territorially and residentially in Natal was mooted after the last Boer-Zulu War in 1838. Then a state of unsystematic integration between the two groups was created as described below.

In 1838, the Zulus under the Kingship of Dingane were conquered by the Voortrekkers. This conquest preceded the establishment of the Republic of Natalia by the Voortrekkers. A large number of Blacks who had fled from the wrath of Shaka and Dingane returned to Natal to occupy land that they maintained was formerly theirs.

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<sup>3</sup> The Natal Mercury, 9 February, 1905, p. 10. (Report of South African Native Affairs Commission.)

The influx of Blacks increased as more refugees took up more or less permanent abode within the White settlement. These developments resulted in two scenarios:

Firstly, the immigration of so many Blacks to what had become a white man's territory, became a cause of concern to the Boers. In response they wished to deal with the problem immediately and in an effective manner. Secondly, the increasing black population wiped out the territorial boundary between Black and White<sup>4</sup>. But the Voortrekker Government or Volksraad of the newly formed Republic was powerless to stop the immigration of the Blacks<sup>5</sup>. Most of these Blacks became labourers on white farms.

One of the main results of the sudden influx of Blacks was the large number of refugee squatter settlements on white farms<sup>6</sup>. The Voortrekkers had not forgotten the Cape Eastern frontier problem. To prevent the recurrence of a similar problem, the Volksraad began to consider measures for applying the Trekker Policy of racial differentiation and territorial segregation<sup>7</sup>. However, this policy could not work because the white farmers could not survive without black labour on their farms. Thus it was not easy to draw a strict dividing line between black and white land.

To neutralise this difficulty the Voortrekkers attempted to limit the numbers of black labourers entering the service of white farmers. They instructed landdrosts to ensure that no farmer allowed more than five black families to live on his farm. This attempt too was not effective. It became difficult for the authorities to persuade the poorly paid or unpaid white officials to apply this measure effectively. Because of the

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<sup>4</sup> D.W. Kruger: The Making of a Nation, p.9.

<sup>5</sup> E. Smith: The Life and Times of Daniel Lindley, 212.

<sup>6</sup> The term "squatter" refers to Blacks or persons who occupied land illegally. Such land was usually White-owned. A compromise was made to allow them to remain on the land in exchange for labour, rent and other services rendered to the white farmers.

<sup>7</sup> C.F.J Muller (Ed.): 500 years a History of South Africa, p. 170.

extensive territory the officials could not prevent the black labourers from contravening the law<sup>8</sup>. Thus this situation continued until the British annexed Natal in 1843.

Various factors prompted the British Government to extend its sphere of influence to Natal. One of the motives was to preserve peace and stability in the region. It is important to note that as early as 1838 the British had begun to show concern about the welfare of Blacks in Natal. In 1838 Governor Napier had sent a small body of troops under Major Charters to take temporary possession of Port Natal in order to prevent the emigrant farmers (Boers) from encroaching on black rights<sup>9</sup>.

With time the British realised the weak security situation on the Eastern frontier. The frontier was vulnerable due to unrests resulting from the conflicts between the Boers and the Blacks. Consequently the British decided to annex Natal. The intended annexation was announced in the Cape Legislative Council on 4 May 1843<sup>10</sup>.

However, effective British administration did not begin until late 1845 when the key official appointments were made. The first Lieutenant-Governor appointed was Martin West who reached Natal on 8 December 1845<sup>11</sup>.

Before 1845 Dr Henry Cloete was provisionally appointed by the Cape Government as Special Commissioner in Natal. He was assigned, inter alia, to study the land problem and make recommendations. His first duty was to inquire into and report on the number of farmers and others holding land in Natal, the extent of their

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<sup>8</sup> Ibid.

<sup>9</sup> G.W. Eybers (Ed.): Document No 98: The Occupation of Port Natal by a British Force (4 December, 1838) in Select Constitutional Documents Illustrating South African History 1795 - 1910, p. 151.

<sup>10</sup> T.R.H. Davenport: South Africa: A Modern History, p.86.

<sup>11</sup> Ibid.

holdings and how they derived their individual claims<sup>12</sup>. He was authorised to "freeze" the then existing land position. This instruction meant that no further grants of land were to be made unless the British Government approved<sup>13</sup>. According to these instructions the white farmers were required to have bona fide occupied the land for a period of twelve months before the arrival of the Commissioner<sup>14</sup>.

These measures seem to have been severe on the white settlers. At a distance it appears that they were aimed to frustrate them. But this was not quite the case. The British Government only desired to organise and control land distribution in an orderly fashion and in a way that would secure land for both white and black communities. Commissioner Cloete recommended that Voortrekker farmers unable to prove continued occupation should receive grants, whilst all who had made bona fide purchases of land should receive back the purchase money<sup>15</sup>. The first but not the second recommendation was eventually accepted by the Colonial Office<sup>16</sup>.

Concerning the treatment of black inhabitants, Commissioner Cloete had definite instructions to announce to the Boers and to see to it that they were put into effect. These measures were the following:

That there shall not be, in the eye of the law any distinction or disqualification whatever, founded on mere distinction of colour, origin, language or creed, but the protection of the law, in letter and in substance, shall be extended to all alike.

That no aggression shall be sanctioned upon the Natives residing beyond the limits of the colony, under any plea whatever by any private person, or any body of men, unless acting under the immediate authority and orders of the

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<sup>12</sup> The Natal Witness, 4 March, 1982, (A new look at old Natal).

<sup>13</sup> Ibid.

<sup>14</sup> J.C. Chase: The Natal Papers, p. 284.

<sup>15</sup> A.F. Hattersley: The British Settlement of Natal, p. 62.

<sup>16</sup> Ibid.

Government.

That slavery in any shape, or under any modification is absolutely unlawful, as, in every other portion of Her Majesty's dominion<sup>17</sup>.

For the Blacks these conditions were vital. They indicate that it was one of the primary objectives in British colonial policy in Natal to ensure that the Blacks also had a share of the land. In that way they were protected from a state of landlessness and dependence which had begun to take root under the Voortrekker regime. Legally too, the Blacks would enjoy social and economic equality with the Whites. Although this equality was only technical, the principle itself was important in that it paved the way for the formation of special areas for Blacks where they would live without feeling the full impact of white domination.

After his tour of Natal, Commissioner Cloete put down his findings and recommendations in a report. Concerning the allocation of land to the Blacks, he recommended to the Cape Government the granting to the Blacks in perpetuity and under trusteeship of their chiefs the lands they inhabited. Cloete suggested to place the large number of Blacks designated "refugees", into locations in the best disposable positions<sup>18</sup>.

Dr Cloete's proposal was supported by Lieutenant Governor Martin West. On 31 March 1846 West appointed the Natal Native Land Commission to recommend steps for the location and efficient control of the Blacks<sup>19</sup>. This commission consisted of Sir Theophilus Shepstone, Diplomatic Agent of Natal, Dr William Stanger, Surveyor-General, Dr Newton Adams and the Rev Daniel Lindley, the two American missionaries.

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<sup>17</sup> H. Cloete: Five Lectures, p. 162.

<sup>18</sup> J.R. Sullivan: The Native Policy of Sir Theophilus Shepstone, p. 52..

<sup>19</sup> A.F. Hattersley: More Annals of Natal, p. 236.

Lieutenant-Governor West's attitude is said to have been favourable towards the Blacks. He regarded them as aboriginals and authorised the setting apart of locations for their use<sup>20</sup>.

The reasons for the inclusion of the two American missionaries should be noted. They were not placed on the Land Commission because they had a wide influence on British Government policy. They were placed primarily because their views coincided with the desire of West and Shepstone to obtain land security for Blacks<sup>21</sup>. The Commissioners accordingly implemented the proposal and recommended allocating ten reserves encompassing two million acres for the Blacks and also setting aside land for future increase<sup>22</sup>. In figures this amount of land looks substantial but in comparison with the share of the Whites, the black share was insignificant. The Whites who comprised ten percent of the population received ninety percent of the best farm land<sup>23</sup>.

To achieve their objective was not going to be easy for the commission, given the fact that Blacks were already established and scattered in various parts of the colony. The situation required some mechanism or method to settle Blacks in areas reserved for them. In the years that followed this task was carried out by Sir Theophilus Shepstone, who as indicated earlier, was one of the members of the Land Commission.

### 3. THE SHEPSTONE POLICY

Sir Theophilus Shepstone was the son of Rev. William Shepstone, Wesleyan missionary in the Eastern Cape. He is generally regarded in Natal history as the

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<sup>20</sup> Sullivan: The Native Policy...., p. 52.

<sup>21</sup> M. Dinnerstein: The American Board Mission to the Zulu 1835 - 1900, p.66.

<sup>22</sup> Ibid., p. 66-67.

<sup>23</sup> Ibid., p. 67.

founder of Black Reserves and the protector of black interests. Having spent his childhood among the Xhosa he gained a thorough knowledge of their language. In this way he came to have an extensive knowledge of the laws, customs and usages of the black people. At Fort Peddie he filled the post of Diplomatic Agent<sup>24</sup>. In 1845 Shepstone came to Natal. Because of his Cape experience as Diplomatic Agent he was well fitted for the same post in Natal<sup>25</sup>. Thus he soon rose to the post of Secretary for Native Affairs in Natal, a post he held until 1875. He therefore commanded great respect in the colony in relation to all questions connected with the intercourse of European colonists and the Blacks in Natal.<sup>26</sup>

As Secretary for Native Affairs he adopted the traditional sanctions and mores of the Blacks. From the above it is evident that he did not regard the black legal machinery as a primitive system to be discarded. Rather he saw it as a necessary preparation for a later contact with European civilisation<sup>27</sup>.

Shepstone's approach influenced all policies and decisions affecting Blacks. His policy was based on two fundamental principles. These were segregation and racial differentiation. He neither approved of the policy of equality favoured by the early missionaries nor of the policy of repression advocated by the majority of Natal colonists<sup>28</sup>. He believed that Blacks could be civilized by a process of evolution, which meant that they would have to be introduced gradually to the European way of life.

On the locations the Blacks were to be collected and governed by their own laws through the medium of their own chiefs<sup>29</sup>. Being the principal chief, Shepstone

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<sup>24</sup> W.C. Holden: History of the Colony of Natal, p. 160.

<sup>25</sup> Ibid.

<sup>26</sup> A.F. Hattersley: Later Annals of Natal, p. 209.

<sup>27</sup> Ibid.

<sup>28</sup> M.S. Geen: The Making of South Africa, p. 128.

<sup>29</sup> Holden: History of... p. 176.

tried cases, settled disputes and imposed punishment<sup>30</sup>. He also persuaded a large portion of the Natal black population to move to the scheduled reserves<sup>31</sup>.

Accordingly the plan proposed by the Government to grant tribal titles of lands to the black population meant that the locations were to be intersected with belts of Crown lands. This strategy was used to prevent the massing together of the Blacks<sup>32</sup>. However, thousands of Blacks remained as tenants on land owned by the land companies or by lesser speculators<sup>33</sup>. Others lived on Crown land attached to mission stations<sup>34</sup>.

Shepstone supported the system of imposing hut tax on Blacks. This tax included a quit rent for land they occupied. This would help raise the revenue for important public projects such as schools, roads and hospitals. Besides, it would teach the Blacks the discipline of work in order to obtain the means of paying their taxes<sup>35</sup>.

Black locations were subsequently established throughout Natal with Shepstones's recommendations as the guiding principles. In Natal the first location was the Zwartkop (or Zwartkops) location near Pietermaritzburg. In November 1846 Zwartkops was set aside for about 8 000 people<sup>36</sup>. On 8 March 1847 the Lieutenant-Governor provisionally gazetted four locations on the recommendations

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<sup>30</sup> Ibid.

<sup>31</sup> J.D. Omer-Cooper: History of Southern Africa, p. 86.

<sup>32</sup> Report of the Select Committee appointed to consider Tribal Titles to land for Natives in Selected Documents Presented Legislative Council, Natal, 1857-1861 p. 409.

<sup>33</sup> Omer-Cooper: History of....., p. 86.

<sup>34</sup> Ibid.

<sup>35</sup> Extract from Earl Grey's Dispatch to Sir Harry Smith, British Parliamentary Papers (Natal) vol. 29.

<sup>36</sup> Smith: The Life and Times ... p. 256.

of the Commission. These were Zwartkop, Umlazi, Umvoti and Inanda<sup>37</sup>. Three more locations were added in 1849, namely, Umzinyathi, the Tugela and Impofana locations<sup>38</sup>. Under Lieutenant-Governor Scott further locations were added. By 1864 there were 42 locations (2,067,057 acres)<sup>39</sup>. The population on these locations totalled 227,708 Blacks, giving an average of 4 1/2 morgen equal to 9 1/2 acres per individual<sup>40</sup>.

In several locations sections were demarcated as Mission Stations and Mission Reserves and were granted to various missionary bodies (to be discussed in detail in the following section). Umlazi Location was supposed to contain 206,921 acres.<sup>41</sup> Umlazi alone was composed of three Mission Reserves, namely, Amanzimtoti, Imfume and Umlazi. Jointly all three are supposed to have covered 20,000 acres excluding the 500 acre lots for each mission<sup>42</sup>.

#### 4. WHITE REACTIONS AND ARGUMENTS ABOUT UMLAZI LOCATION

The location system was devised to satisfy land claims of both Whites and Blacks but it created much antagonism from Whites and controversy among Whites themselves. Many colonists opposed the scheme because Black Reserves were too big for effective control and administration. Officials like Benjamin Pine Lieutenant

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<sup>37</sup> Ibid.

<sup>38</sup> Ibid., p. 264.

<sup>39</sup> E.H. Brookes and C. de B. Webb: A History of Natal, p. 60.

<sup>40</sup> The Natal Mercury, 9 February, 1905, p. 10. (Report of the South African Native Affairs Commission).

<sup>41</sup> Document of F. Fynn, Resident Magistrate Umkhomazi Division in Selected Documents Presented Legislative Council, Natal, 1857-1861.

<sup>42</sup> Ibid.

Governor between 1850-55, considered the Reserves too large and the restoration of the chief's authority a retrograde step<sup>43</sup>. It was generally felt that the location system would retard the process of civilising the Blacks.

But it would seem the main complaint from white settlers was that the Location system created a severe shortage of labour since it did not create a machinery strong enough to compel Blacks to look for work. The following statement from Rev. Holden's records illustrates this point:

The subject of Kaffir Labour has never yet been placed on a satisfactory basis; ... the farmer has not been able to carry on successfully his agricultural operations, or the merchant to obtain the assistance required, whilst household labours have fallen chiefly on the master and mistress of the establishment. Many of the Europeans have had to perform the most menial services, and could proceed no further in any undertaking beyond what they were able to accomplish by their efforts; or they had to pay for the White man's labour<sup>44</sup>.

This labour shortage can well be understood when the situation that existed before the British occupation of Natal is taken into account. The consequence of this problem is that most white farmers were so dissatisfied and discouraged that some left the Natal Colony in despair and disgust<sup>45</sup>.

A further grievance from Whites was the location system which they saw as perpetuating the state of insecurity. They perceived the system of locations as designed systematically to give the Blacks the opportunity to mobilise and consolidate their forces against and also unobserved by the Whites. The Whites saw the chiefs and their subjects as perpetuating hostilities towards the colony. In

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<sup>43</sup> Geen: The Making of...., p. 127.

<sup>44</sup> Holden: History of...., p. 177-178.

<sup>45</sup> Ibid., p. 180.

other words they saw the location system as a threat to their security<sup>46</sup>.

In 1853 Natal was given a Representative Government: whites colonists were granted the right to elect their own parliamentary representatives. White opposition against the locations became more pronounced especially early in 1857. At that time candidates standing for election to represent the various Boroughs or Countys in the New Legislative Assembly used the land issue to marshal support in their favour.

As it will be seen in the next section, Umlazi location became a popular territory to Christian Missions but it became one of the targets of attack largely because of its geographic position. Various candidates protested openly against the land policy of Umlazi. The following statement by W.H. Addison clarifies this point:

If I should be elected your representative I will attend more especially to the interests of the agriculturists ... I am sorry to see so large a portion of our most valuable coast lands swallowed up in Native Locations. I am, therefore, of the opinion that the Umlaas Native Location ought to be immediately broken up, and the land given away in small grants from one to three hundred acres to bona fide occupants, but I am decidedly opposed to giving away large tracts of these valuable lands to satisfy land claims... If, however, capitalists or companies will undertake to turn to a beneficial account large tracts of such lands, I will vote for their obtaining them... I would endeavour to induce the Natives to purchase small freeholds... I am opposed to making lavish grants of our most valuable lands for ecclesiastical purposes<sup>47</sup>.

Such arguments seem to indicate the trend of thought that white settlers had about black locations. There was a general attitude among them that it was the civilised inhabitants (Whites) who should have had a better share of the land. With regard to Umlazi Location the above arguments show that the territory became the focal

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<sup>46</sup> Ibid., p. 180-181.

<sup>47</sup> The Natal Mercury, 31 January, 1857. (Reply to Requisition)

point of attention and there was much antagonism against missionaries receiving large tracts of valuable land there. As we shall see in the following chapters this interest in Umlazi Location and especially the areas of the location that lay along the coast, remained alive for a long time to come and made this territory to be a subject of interest and controversy.

## 5. MISSIONARY WORK

Umlazi Anglican Church Mission Station was one of the many mission stations that sprung up in Natal as a result of the expanding work of mission societies.

Mission stations of various church denominations had proliferated in Southern Africa since the 18th century making their influence felt among black pre-Christian communities, evangelically and educationally. In Natal, because of the expanding missionary activity and the civilising influence the missionaries exerted, missions received the recognition and support of the Colonial Government. Consequently when Black Locations were established in British Natal, the Land Commission appointed by Lieutenant Governor West in 1846, recommended inter alia, the moral and intellectual improvement of the Blacks<sup>48</sup>. Thus they encouraged the establishment of an adequate number of mission stations and schools in each location.

Schools became an integral part of missionary service. Initially the missionaries concentrated on teaching the converts the 3 Rs, that is, Reading, Writing and Arithmetic. In some cases practical subjects were also offered. In the course of time the converts could read and write. As a result schooling enabled the converts to read the Bible themselves. The increasing literacy weakened dependence on superstition, animism and witchcraft<sup>49</sup>. This loosening from the bonds of

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<sup>48</sup> Smith : The Life and Times...., p. 255.

<sup>49</sup> M.C.J. Mphahlele: The Methodist Venture in Education at Kilnerton 1886-1962, p. 91.

superstition was a direct result of sound religious education<sup>50</sup>. Shepstone expressed the necessity of missionary education. He pointed out that it was desirable that missionaries, devoted exclusively to work among the people, should be placed at each location, and that both Sunday and weekday schools be established<sup>51</sup>. He pointed out that such instruction helped the young generation to overcome the superstitious beliefs which stifled the minds of their parents. Shepstone advocated the substitution of the former questionable beliefs of the Blacks by what he considered sounder European notions of their religious and moral obligations<sup>52</sup>.

Almost all mission societies shared Shepstone's view. It is for this reason that even colleges were established by certain mission bodies. The Society for the Propagation of Christian Knowledge (S.P.C.K.) also felt that schools and colleges were the most important agencies in missionary work by which the young generation in the black community could be educated in a Christian atmosphere and under Christian influences. even while they embraced African religion<sup>53</sup>. Schooling the Blacks removed their prejudices and imparted fresh ideas into them which took root and grew<sup>54</sup>. Thus according to the S.P.C.K. though education might not appear at first to be direct evangelistic work, yet later it proved to be the best instrument in use by the Missionary teacher to initiate the Black into the Christian way of life<sup>55</sup>.

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<sup>50</sup> Ibid.

<sup>51</sup> Letter of T. Shepstone, Diplomatic Agent's Office, Pietermaritzburg, 26 April, 1846, British Parliamentary Papers (Natal), Vol. 18.

<sup>52</sup> Ibid.

<sup>53</sup> W.O.B. Allen and E. McClure: Two Hundred Years - The History of the Society for Promoting Christian Knowledge, 1698-1898, p. 293.

<sup>54</sup> Ibid., p. 294.

<sup>55</sup> Ibid.

Many mission stations were established in Natal shortly after the occupation of the territory by the British. By 1851 the American Board Mission had taken the lead in mission work. It had established twelve mission stations along the coast of Natal. These were Umthwalume, Ifafa, Amahlongwa, Imfume, Umvoti, Table Mountain, Mapumulo, Amanzimtoti, Umsunduze, Inanda, Esidumbini and Itafamasi. Besides the American Board Mission there were other missions, namely, the Anglicans, Methodists, Catholics, Norwegians and Germans all engaged in Christianising and civilising the black people.

#### 6. MISSION GLEBES AND RESERVES

A distinction should be made between a mission station and a mission reserve. Mission stations were established in all the provinces both inside and outside demarcated areas. Mission Reserves developed or flowed from some mission stations. But the Mission Reserves were an institution peculiar to Natal<sup>56</sup>.

In Natal Mission Reserves belonged to the South African Native Trust. They differed from tribal locations in that within them they recognised missionary work of a particular denomination only<sup>57</sup>.

Mission Reserves were the outcome of the desire of mission bodies to ensure legal control over the land on which their stations were established. When missionary work began in Natal, Missionaries felt the need to increase their influence over the Blacks. Therefore they petitioned the provincial authority to grant more land near or around the mission station upon which Blacks might settle<sup>58</sup>.

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<sup>56</sup> E. Brookes and N. Hurwitz: The Native Reserves of Natal, p. 17.

<sup>57</sup> Ibid.

<sup>58</sup> J. du Plessis: A History of Christian Missions in South Africa, p. 305.

The desire by the missionaries to have legal control over the land arose from the fact that neither themselves nor the vast majority of Blacks in the locations possessed documentary title to the land. To the Zulu's this was part of their traditional system since the concept of private or individual land ownership was foreign. Before the establishment of the White governments in these parts, all land belonged to the monarch under a system of communal land ownership<sup>59</sup>.

The creation of Mission Reserves was started by the American Board Missionaries. In 1856 they appealed to Sir George Grey, Governor of the Cape and British Commissioner for South Africa to grant them legal rights over Church lands. Grey showed a thorough and intelligent interest in mission work and a kind and considerate regard for the missionaries themselves<sup>60</sup>.

He responded by drafting a deed conveying to the Chairman, Secretary and Treasurer of the Mission in Trust for the American Board, certain lands to be held for the use by the mission station. The mission was granted power to lease such land for periods not exceeding twenty one years, the rents being applied in South Africa for the mission's benefit<sup>61</sup>.

This move paved the way for the American Board Mission and other missionary bodies. Thus Ordinance No. 5 of 1856 on this matter read as follows:

The aforesaid American Board of Commissioners for Foreign Missions, shall and may have and hold lands, within the District, to all intents and purposes, as though, they were naturalised subjects of this District subject to such conditions as the Lieutenant-Governor may see fit to impose.

It shall be lawful for the Lieutenant-Governor, with the advise of the Executive Council, by proclamation, to extend the privileges of this Ordinance to any other missionary

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<sup>59</sup> A.W.Z. Kuzwayo: A History of Ethiopianism in South Africa, p. 36.

<sup>60</sup> Jubilee of the American Mission in Natal, p. 33.

<sup>61</sup> Smith: The Life and Times...., p. 308.

bodies<sup>62</sup>.

This Ordinance took effect after 11 February 1856, and appears to have been regarded as the authority for nearly all grants of land for religious purposes since its date.

Consequently in May 1856 Grey's plan was implemented by the Colonial Secretary of Natal W.C. Sergeant. For each of the twelve mission stations established after paying the deposit for the survey fees, grants were made of five hundred acres. These were soon called Mission Glebes. A Mission Glebe was an outright grant to the mission. Besides this grant, there was a further area or farm (from six to eight thousand acres, depending on the amount of land available), that became a reserve for occupation and use by the Christian converts. Such land was held in trust for the Zulu converts by a Board of Trustees consisting of the Secretary for Native Affairs, a Chairman, Secretary and Treasurer of the mission.

As a rule, Glebes and Reserves went together. Within each Reserve (excepting Indaleni) the Glebe adjoined the Reserve or as was often the case, surrounded the Reserve. Reserves were always within or adjoined Black Locations, excepting the cases of Ifafa and Indaleni<sup>63</sup>.

The Reserve land was not to be sold, leased, or transferred except with the approval of the Lieutenant-Governor. In those Reserves allotments were made from time to time to Blacks who might wish to be individually entitled to land. The fees for surveying those plots were handed to the Mission to help in its educational and other activities.

Up to 1890 no rents were collected in Mission Reserves except for a few store

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<sup>62</sup> Statutes of Natal 1845-1899 Vol I (Aliens Missionary Bodies), p. 3.

<sup>63</sup> Report of the Lands Commission, February, 1902, p. 24.

sites<sup>64</sup>. The rule requiring payment of rent from new tenants as a condition of allowing them to come on the Reserves was passed in 1888, but no rents were collected before 1890<sup>65</sup>. At first the rent was ten shillings (about R1.00) per hut per annum, and later thirty shillings<sup>66</sup>. In 1904 the rental was increased to three pounds<sup>67</sup>. In 1906 it was reduced to thirty shillings per hut and power was reserved in the regulations for reducing the rent still further in cases where it was considered unduly heavy<sup>68</sup>.

By 1880 about 89,000 acres had been carved out of existing twelve stations of the American Board Mission as Mission Reserves<sup>69</sup>. They varied from 5,500 acres as at Esidumbini to 12,922 acres as at Mthwalume<sup>70</sup>.

It was thus to the credit of the American missionaries that the system of Mission Reserves was initiated. Mission Reserves ensured that the vicinity of the Mission Stations was occupied by a more or less permanent population<sup>71</sup>. The system also helped to protect the rights of the Black people and to introduce them to the idea of land ownership<sup>72</sup>. The issue of land ownership is a matter which became a source of contention later<sup>73</sup>.

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<sup>64</sup> Official Year Book of the Union of S.A. NO 4, 1910-1920, p. 461.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Smith: The Life and Times...., p. 309..

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Khuzwayo: A History of Ethiopianism...., p. 40.

<sup>73</sup> Ibid.

During his ten weeks visit to Natal in 1852, Bishop Colenso praised the American Board Mission for the contribution the Mission had made towards the enlightenment of the Blacks in the Colony of Natal.

In consideration of the missionaries' help among the Blacks, Colenso assured the Mission Stations that whatever buildings they had erected on Mission grounds belonged to the Church permanently<sup>74</sup>. This suggestion partly contributed to the passing of the Ordinance of 1856.

It should be stressed, however, that Mission Stations of all denominations exercised a civilising influence on those Reserves especially in the 21 (later reduced to 17) which had converted to the white man's religion. It was with respect to these reserves that the Ordinance mentioned above gave the Missionaries special rights. In these settlements, it became clear that the percentage of children attending school was markedly higher than in tribal locations untouched by the Missionary influence. Hence it was in the Mission Reserves and Glebes that the seed of Christian civilisation was planted<sup>75</sup>. From these places there emerged a largely detribalised Black elite, who were educated and possessed values similar to those of the white people<sup>76</sup>.

## 7. INDIVIDUAL TITLES ON MISSION RESERVES

Among the main features of the missionary work was the policy for the gradual improvement of the Black tribes. This policy aimed at their ultimate advancement towards the higher industrial and social position equal to that of civilised inhabitants. Part of this advancement was effected through the granting to the Blacks of written titles to the lands set apart for their use.

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<sup>74</sup> J.W. Colenso: Ten Weeks in Natal, p. 250.

<sup>75</sup> Khuzwayo: A History of Ethiopianism...., p. 40.

<sup>76</sup> Ibid.

It would seem that even though Mission Reserves were administered along different lines, the issue of land ownership was approached and addressed by the Government in the same way as locations.

In principle there was no objection to granting individual titles to Blacks in Mission Reserves. Nevertheless some white authorities did not believe that Black converts should automatically qualify to receive individual titles to the land they occupied. Rather the view held by the white authorities, also shared by Shepstone, was that this should be done at a later stage of their development. Lieutenant-Governor Scott too shared the same view. He saw the difficulties which stood on the way of the automatic granting of titles. On this issue he argued as follows:

An uncivilised person is not easily brought to understand the value of written titles; rightly to comprehend such a question requires an experience only obtainable by a considerable amount of social progress on his own part, and until he has acquired such an improved status, no title could be given to him which did not contain provisions necessary to guard him against his own ignorance, and the superior knowledge of those around him. Besides, the present tribal character of our Natives, and their personal pursuits, render the giving of individual titles at this time more or less impracticable<sup>77</sup>.

According to this view, the granting of individual titles to Blacks would be introduced slowly after that particular mission community had proved themselves fit to own land. It is also clear that the missionaries were going to play an important role in assessing if their black converts deserved the status of being land-owners.

However, some missionaries did not adhere to this procedure. They preferred their converts to receive individual titles from the outset. Rev. Aldin Grout is one such example. In 1840 Commissioner Cloete recommended that a Mission Station be

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Extract from Lieutenant-Governor Scott's Speech of 3 June, 1861, in *British Parliamentary Papers (Natal) 1852-75*, p. 286.

established at Umvoti. Rev. Grout offered to take charge of the station. He suggested that one hundred thousand acres should be set aside for twelve thousand Blacks and that individual titles to the land be given after twelve months residence<sup>78</sup>.

Another example of missionary endeavour to secure land for Blacks was that of Rev. Daniel Lindley who also belonged to the American Board. After doing mission work for seven years at Umzinyathi in the Inanda Reserve, he became dissatisfied with the future potential of agriculture in the area. The ground was poor and unproductive. Consequently it had no prospects of supporting the seventeen Christian families Rev. Lindley was ministering to. Thus he requested to be transferred to a new site. He made it clear that he wanted his people to get good land and to receive titles thereto, as the following extract indicates:

The ground I now occupy is really worth just next to nothing; and is not likely, at any time within a century, to be valued at a higher rate ... Again? the Christian Natives are to receive grants for themselves and in their own names. Around me they could get nothing worth the surveying fees. Had the case been different several of my people would before this time have been land-holders<sup>79</sup>.

Consequently Grey allowed Rev. Lindley to move his converts to a new site. Accordingly in 1847 he returned from his pastoral travels and settled down to mission work and founded the Inanda Mission Station<sup>80</sup>. Inanda, being situated about 30 kilometres north west of Durban had the advantage of being more fertile and cooler than the old station.

A further deciding factor influencing the granting of individual titles to Blacks was whether or not they could grow exportable and staple products which would

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<sup>78</sup> Smith: The Life and Times . . . ., p. 245.

<sup>79</sup> Quoted by Smith in The Life and Times . . . ., p. 245.

<sup>80</sup> E. Brookes: A Century of Missions in Natal and Zululand, p. 7.

contribute to the commercial importance of the colony. In 1859 Lieutenant-Governor Scott highlighted the effect the commercial agriculture would have on the Blacks. He pointed out that by the cultivation of cotton or any of the many valuable staples suited to the climate, the Government would give to the black man an industrial pursuit which would awake in him a permanent interest in the soil, fit him to receive an independent title to the land he cultivates; and thus create in him, not only higher principles of Government, but also set in motion strong elements of civilisation<sup>81</sup>.

To meet the suggestions made by the governor, Rev. Grout again set the example by encouraging his followers to grow sugar cane because he hoped that it would become a profitable business. Consequently while on his visit to Natal in 1856 Grey visited Umvoti Station and supported Rev. Grout's plans to promote civilisation among the black people<sup>82</sup>. Grey ordered that a sugar mill be built. At that time, it was regarded as a first class sugar mill, having cost the Government some 9 000 pounds<sup>83</sup>.

It should be noted, however, that the suggestions made by Grout, Lindley and Governor Scott with regard to individual titles were effected only to some mission reserves during the years 1865-1868. In the 12 mission reserves of the American Board, it was not until 1933 that certificates of land ownership were issued to all black residents.

By 1905, 17 Mission Stations had become Mission Reserves this number having dropped from 21 since 1882<sup>84</sup>. In 1913 two more Mission Reserves were

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<sup>81</sup> Extract from Lieutenant-Governor Scott's Speech to the Legislative Council on 26 April 1859. Natal Blue Book on Native Affairs 1845-1860, p. 95.

<sup>82</sup> Jubilee of the American Mission in Natal, p. 34.

<sup>83</sup> Ibid.

<sup>84</sup> E. Brookes and N. Hurwitz: The Native Reserves of Natal, p. 10.

established to make 19 and this number remained unchanged until 1953<sup>85</sup>. This fluctuation is said to have been caused partly by the fixing of boundaries and more accurate surveys<sup>86</sup>.

From the above discussion it is clear that the question of individual titles for land occupied by Blacks on mission stations did not rest on a firm policy that applied in the same way in all Mission Stations. The next chapters deal specifically with developments at Umlazi Mission. This question is discussed to show how it contributed to dissatisfaction and disputes on the mission station.

#### 8. THE MISSION RESERVES ACT (1895 AND 1903)

Prior to 1895 the general administration of the Mission Reserves was left in the hands of the missionary bodies controlling the particular glebes to which each of such Reserves was attached. Apparently no effective control was exercised by the missionaries and in course of time the conditions obtaining in these reserves deteriorated. Thus it became necessary to consider the introduction of new methods to control them. To this end, Act NO.25 of 1895 was formulated according to which the Governor in Council was empowered to make rules from time to time by which he could regulate the use and occupation of Mission Reserves. Such rules dealt with almost every aspect of life of the Mission Reserve such as the following:

- i. The registration of residents of the Mission Reserves.
- ii. The annual contribution by Black adult males of the reserve.
- iii. The admission to and removal of Black tenants from the Mission Reserve.
- iv. The sale and hire of land.
- v. The appropriation of land for agriculture, grazing and other purposes.

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<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

- vi. The building of roads and schools on the reserve.
- vii. The preservation of health and the maintenance of order<sup>87</sup>.

Before 1895 the Secretary for Native Affairs had been trustee under the deeds of grant of Mission reserve lands. But from 1895 the Natal Native Trust was appointed as trustees under the Grants of Mission Reserve lands. The Natal Native Trust was responsible to the Governor-in-Council who, according to this Act, could "from time to time appoint and remove trustee of lands set apart as Mission Reserves"<sup>88</sup>.

The 1895 Act also demanded conformity by members to Church rules and prohibited acts of behaviour in conflict with the Church doctrines of that particular denomination<sup>89</sup>. Such unacceptable behaviour was, for instance, polygamy, inter-tribal fights, the drinking of wines, spirits, malt liquor or Zulu beer<sup>90</sup>.

Members of a Mission Reserve were given a measure of local government in the running of the affairs of the reserve as circumstances arose.

The Natal Native Trust could decide on matters such as the sale, appropriation and hire of land for purposes of agriculture and grazing commonage. The Trust also had to deal with matters relating to education, the building of roads, the use of water and timber and similar matters.

However, the provisions of Act No. 25 of 1895 left much to be desired. Five

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<sup>87</sup> Acts of the Parliament of Natal, Act NO. 25, 1895, Section 1 p. 62.

<sup>88</sup> Acts of the Parliament of Natal, Act NO 25, 1895, Section 5, p. 63.

<sup>89</sup> Acts of the Parliament of Natal, Act NO 25, 1895, Section 8, p. 63.

<sup>90</sup> Acts of the Parliament of Natal, Act NO 25, 1895, Section 9, p. 63.

years later at the close of the century, a Commission was appointed to reconsider the question. This was done because of the difficulties that had arisen in regard to the control and employment of the Mission Reserves<sup>91</sup>. After the various missionary bodies consulted had expressed their views, the Mission Reserves Act No 49 of 1903 was created. Its provisions were substantially in agreement with the views of the missionaries.

Among other things, the Governor-in-Council was authorised to exercise powers of defining boundaries of lands occupied by Blacks in Mission Reserves just as it was the case in black Locations.

Act NO 49 of 1903 however did not deprive the missionary of his powers in the administration of the Reserve under his charge. The Act made provision to the effect that half of all rents and other monies would be paid by the Natal Native Trust to the missionary body named in the Deed of Grant of the Reserve. This money would be used for educational purposes. The other half could be used by the Natal Native Trust for any other purpose which in the opinion of the Trust was to the benefit of the Mission Reserve.

For the purpose of this study it is important to consider the provisions of Sections 5 and 6 of the Act concerning the use and administration of Reserves. Section 5 read as follows:

The Mission reserves shall be kept for occupation solely by Natives ... and the reserves shall be administered for the benefit of the Native living thereon according to the intention of several deeds by which the Reserves have been granted<sup>92</sup>.

Section 6 endorses this rule as follows:

No person, society or body other than the ecclesiastical or missionary body named in the deed of grant, shall be

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<sup>91</sup> Acts of the Parliament of Natal, Act NO 49, 1903, Section 4, p. 155.

<sup>92</sup> Acts of the Parliament of Natal, Act NO 49, 1903, Section 5, p. 155.

allowed to establish any Mission or undertake religious or educational work<sup>93</sup>.

The Act, however, made room for exceptions from the above rule by empowering the Natal Native Trust to give the right of temporary and conditional occupation of store sites, as well as prospecting and mining right where such right would not interfere with the rights and well being of the black residents and the missionary body in charge<sup>94</sup>.

It should be kept in mind that the Act just quoted provided that the Mission Reserve would be kept for occupation solely by Blacks for whose benefit they would be administered. The right to undertake religious or educational work on a Mission Reserve was entrusted to a missionary body named in the deed of grant.

This legislation made the missionary and the Blacks the only two parties legally entitled to live on a Mission Reserve. The missionary was a spiritual leader and a kind of landlord over the Church lands while the Blacks remained the tenants in the Reserve on a permanent basis (subject to good behaviour and the maintenance of Christian standards).

In the case of Umlazi Mission Reserve these conditions became crucial points on which future debate was based. After the passing of the Act reference was always made to these points whenever applications by members of other races other than Blacks were received.

The Mission Reserve Act was based on the original deed of grant. Therefore it became the corner-stone upon which all future decisions concerning the occupation and future development of Umlazi Mission were based.

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

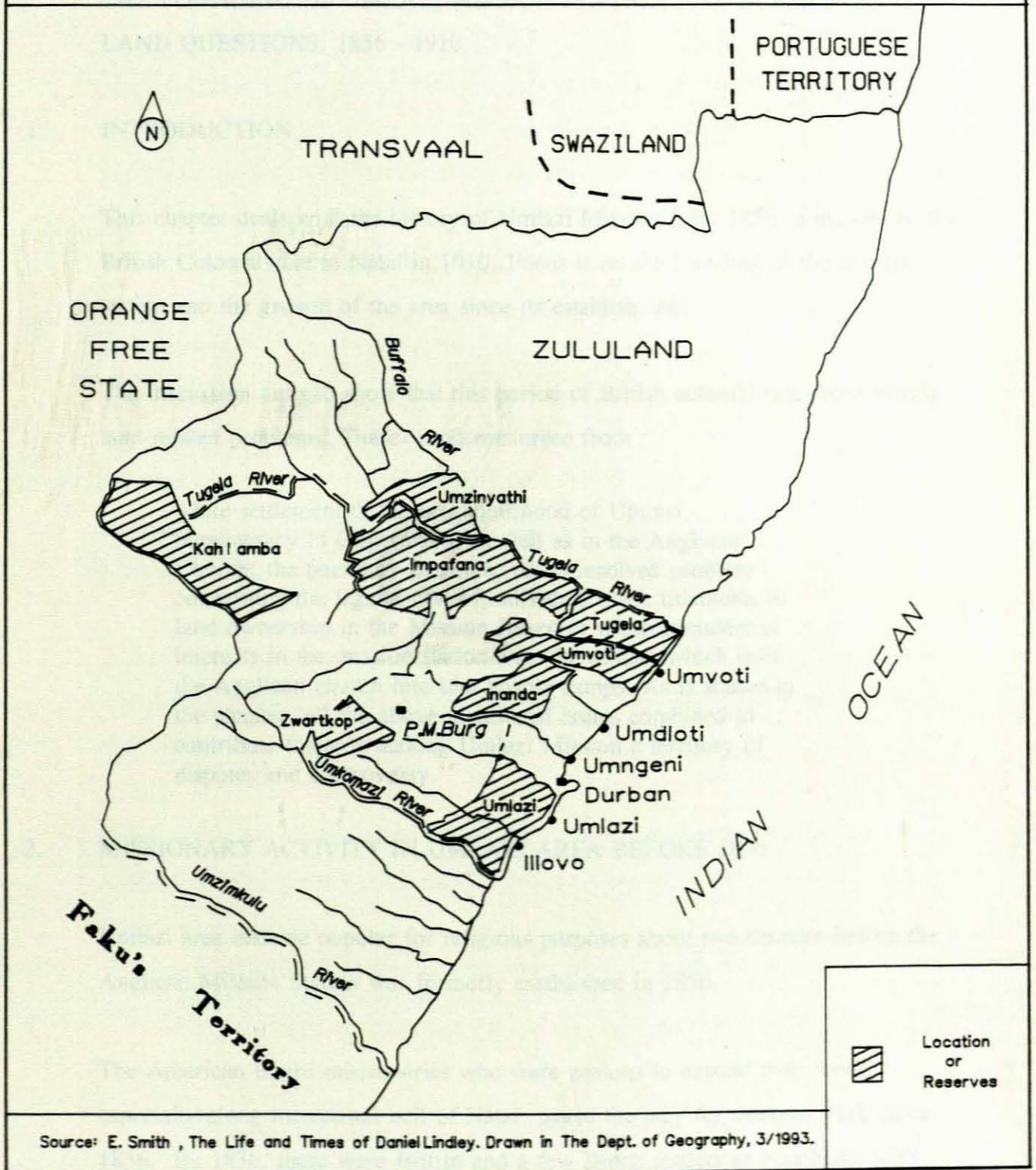
## 9. CONCLUSION

This chapter has traced the origin of Black Locations, Mission Glebes and Reserves in Colonial Natal. It has shown that Black Locations, Mission Stations and Reserves were the chief areas for Black occupation. However though many of the Reserves were situated within Locations, Locations and Mission Stations were two distinct areas in the sense that they were administered differently. Besides, the communities of the two areas differed in character. Whereas Mission Reserves were composed of largely detribalised, Christian and progressive communities, Locations were inhabited by largely traditional or tribal communities.

It also emerges from the chapter that according to the Acts of 1895 and 1903, Mission Reserves were legally placed in the hands of various church bodies for the benefit of Blacks. In these areas the Blacks could enjoy the right of land ownership on an individual basis, a privilege denied to Blacks who lived in Locations. However, from the testimony provided in this chapter, the right to own land was not automatically granted to Blacks residing in every Mission Reserve. Government policy was erratic in this regard. Much depended on the missionary's initiative to get legal documents for lands occupied by his converts. Even then their requests were not given immediate attention.

It will become clear in the course of this study that this shaky land policy of the British Government was to prove to be at the detriment of Umlazi Mission Reserve where no effort was made by either the Government or the Anglican missionaries to assist residents to get individual titles for the land they occupied.

Fig. 1 First Black Reserves (Locations) in Natal Colony - CA 1847.



Source: E. Smith, The Life and Times of Daniel Lindley. Drawn in The Dept. of Geography, 3/1993.

## CHAPTER 2

### THE FOUNDING OF UMLAZI MISSION STATION AND SUBSEQUENT LAND QUESTIONS, 1856 - 1910

#### 1. INTRODUCTION

This chapter deals with the history of Umlazi Mission from 1856 to the end of the British Colonial rule in Natal in 1910. Focus is on the founding of the mission station and the growth of the area since its establishment.

The discussion aims to show that this period of British colonial rule faced mostly land related problems. These problems arose from :

white settlement in the neighbourhood of Umlazi; bureaucracy in Government as well as in the Anglican Church; the boundary question; the unresolved problem concerning the legalisation of individual black titlements to land ownership in the Mission Reserve; white commercial interests in the mission station and the schism which split the Anglican church into two hostile camps. As is shown in the chapter, all the above-mentioned issues combined to contribute towards making Umlazi Mission a territory of disputes and controversy.

#### 2. MISSIONARY ACTIVITY IN UMLAZI AREA BEFORE 1856

Umlazi area became popular for religious purposes about two decades before the Anglican Mission Station was formerly established in 1856.

The American Board missionaries who were zealous to expand their work, especially along the coastal belt of Natal, paved the way for mission work since 1836. By 1836, there were British and a few Dutch settlers at Port Natal with some form of local government.

In December 1835 the American Board missionaries, namely, Newton Adams, Aldin Grout and George Champion sailing from Port Elizabeth, landed at Port

Natal and met the British and Boer settlers from whom they received valuable assistance in preparing their journey to Dingane's capital.

On 18 January 1836 missionaries visited the Zulu King at his capital, Umgungundlovu to negotiate with the Zulu monarch for land on which they could do their mission work. Dingane received them with kindness. But it is said that the King's three great councillors advised him to be cautious.<sup>95</sup> Consequently it was arranged that for the present they should make their headquarters in the neighbourhood of the bay in Port Natal.<sup>96</sup>

At Port Natal George Champion was allowed to select a site for a station. His request for land on the Umlazi River was subsequently granted to him on the 12 March 1836 by the Town Committee of Durban.<sup>97</sup> Thus whilst Dr Adams and Mr Grout were away to collect their wives in Port Elizabeth (Mrs Grout died after an illness on 24 February, 1836), Mr Champion had commenced a station with the help of the Zulu's.<sup>98</sup>

It should be noted that even before the fall of Dingane in 1838, a number of Zulus had started to flee from his tyranny and sought refuge and work from Whites at Port Natal.

It was therefore to this community of Zulus that mission work was to be done. Explaining why mission work became fairly successful at Port Natal, Dr Kotze points out as follows:

In Zoeloeland het die Zoeloes onder die despotisme van Dingaen gestaan; by Port Natal was daar geen noemenswaardige despotiese magte wat hulle aan bande gelê

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<sup>95</sup> Jubilee of the American Mission in Natal, p. 20.

<sup>96</sup> Ibid. p. 21.

<sup>97</sup> E. Smith: The Life and Times of Daniel Lindley, p. 127.

<sup>98</sup> Jubilee of the American Mission in Natal, p. 22.

het nie en kon hulle ongestoord die ere dienste bywoon en ongestoord ook hul kinders laat skoolgaan.<sup>99</sup>

After their second arrival Dingane sent for the missionaries and gave them permission to commence a station right in Zululand. Mr Champion, who was conversant with the Zulu language was assigned to this post. Dr Adams was placed at Umlazi River ten miles from the Port.<sup>100</sup> Mr Grout would labour at either of these two stations.

At Umlazi near the Port, Dr Adams preached on the Sabbath to a congregation of about four hundred Zulus and some white settlers who attended services regularly. At this time Daniel Lindley, another American missionary who was also to carry out mission work at Umlazi built a new Mission Station at Imfume about 20 kilometres south of Umlazi River.<sup>101</sup>

Thus on the ground that the first Mission Station was situated ten miles from Port Natal and on Umlazi River, it can be seen that it is the American missionaries who pioneered the occupation of the site on which the Anglicans established their Mission Station about twenty years later.

In July 1840, after the defeat of Dingane and the establishment of the Voortrekker Republic in Natal, Rev. Newton Adams and Rev. Daniel Lindley reported to their Board that the Government (Volksraad) had granted a tract of land around Umlazi near Port Natal. This land, which was about four mile square, was granted to the missionaries to settle Blacks there for mission work.<sup>102</sup> Accordingly on 30

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<sup>99</sup> D.J. Kotze: Amerikaanse Sendelinge Onder Die Zoeloes (Archives Yearbook of South African History, 1958, Part I), p.133.

<sup>100</sup> Smith: The Life and Times ... p. 127.

<sup>101</sup> Ibid. p. 167.

<sup>102</sup> Ibid.

September the Volksraad confirmed this grant.<sup>103</sup>

The record of these events shows that the area close to Umlazi River had become a popular area for mission work long before the Anglicans took interest in it.

However, it was the work of Rev. Robertson, the Anglican Church missionary, that was to start a new Mission Station which developed into what became called Umlazi Mission Station and Reserve a few years later.

### 3. THE FOUNDING OF UMLAZI MISSION STATION BY REV. ROBERTSON (1856)

On 18 February, 1861, following the terms of Ordinance No 5 of 1856 described earlier, William Williamson, Major, Acting Lieutenant-Governor of Natal, made a grant of 476 acre, one rood and 32 perches of land<sup>104</sup> to the Anglican Mission in Natal for the purpose of starting a mission station.<sup>105</sup> Accordingly Umlazi Mission Station was started by Rev. Robertson and his wife Hendrietta. Rev. Robertson had started mission work at Umkhomazi station where he learnt Zulu.<sup>106</sup> From there he transferred to Ekukhanyeni Mission Station, near Pietermaritzburg, where he served as Bishop Colenso's deacon since 1853. In 1856 he became independent of Colenso and was posted at Umlazi to start a new

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<sup>103</sup> Ibid.

<sup>104</sup> According to the Oxford Advanced Learner's Dictionary of Current English, an acre is a measure of land of about 4000 square metres; a rood is a quarter of an acre, (i.e. 1000 square metres) and a perch is 5 1/2 yards and if it is a square perch, it is equal to 30 and a 1/4 square yards. It is noteworthy that in the case of Umlazi Mission some missionaries and authors preferred to use a round figure of 500 acres, which was the normal size of mission glebes.

<sup>105</sup> The Anglican Master Mission was first at Umkhomazi Drift, but on his arrival in 1852, Colenso, dissatisfied with the progress there, transferred it to a place near the capital (Pietermaritzburg) which became the centre of the Diocese.

<sup>106</sup> Ibid.

station there. From this information it can be deduced that the mission station at Umlazi was actually started some five years before the official grant was made.

At Umlazi Rev. Robertson worked under the Super-intendence of Arch-Deacon, afterwards Bishop Mackenzie.<sup>107</sup> The Mission Station was founded upon the summit of a hill overlooking Umlazi River about ten miles south of Durban.<sup>108</sup> This area was chiefly occupied by the Cele and Nyuswa tribes. It seems this was an attractive spot. Mackenzie too spoke of it approvingly as follows:

It was a very good situation as regards beauty fertility of soil and the number of Kaffir Kraals in the immediate vicinity.<sup>109</sup>

The Mission station was named "Ekufundisweni", which means a place of teaching. But as this word was difficult to pronounce, the station became much better known as Umlazi Church Mission Station because it was situated next to the Umlazi River.<sup>110</sup>

The congregation grew steadily under Rev. Robertson. It is said that on the evening of Christmas day (1856), a feast was held at which 400 black converts were present. On the same occasion eight baptisms, chiefly of children of Christian couples, were conducted.<sup>111</sup>

The Robertsons did not limit their work to evangelization. They taught the people better ways of tilling the soil and growing a variety of crops. Amongst the crops

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<sup>107</sup> A. Mackenzie (ed.): The Net Cast In Many Waters, p. 24.

<sup>108</sup> Ibid.

<sup>109</sup> A. Mackenzie (ed.): Mission Life Among the Zulu Kaffirs, p. 10.

<sup>110</sup> Ibid.

<sup>111</sup> B. Burnett: The Anglicans in Natal, p. 52.

introduced by the missionary were sweet potatoes, mealies and fruits such as bananas and pineapples. These could be grown for domestic consumption and even for commercial purposes.

In October 1858 the Lieutenant-Governor acceded to the request of the Anglican Church that a sum of 502 lire<sup>112</sup> per annum be granted out of monies reserved for the purpose of supporting the industrial training of Blacks at Umlazi Mission Station.<sup>113</sup> The manner in which this money was to be used would be reflected in half yearly returns that would have to be furnished to the Office of the Secretary for Native Affairs.

In the same year Robertson desired to commence the growing of cotton in his station. He was supported in this ambition because in 1858 the Lieutenant-Governor sanctioned a grant to him of 20 lire to enable him to defray whatever expenses he considered necessary at the commencement of the undertaking.<sup>114</sup>

By 1859 Umlazi Mission Station had grown into a small village of wattle and daub buildings.<sup>115</sup> In their mission work the Robertsons were assisted by a Mr Samuelson who was a catechist and an expert linguist and carpenter. Another

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<sup>112</sup> A "lira" is another word for pound in British currency. The plural lire. In Italy it is also used to refer to a unit of money.

<sup>113</sup> Letter of Sir Shepstone (S.N.A) directed to the Right Rev. The Lord Bishop of Natal, British Parliamentary Papers, (Natal) Vol. 29. p. 226.

<sup>114</sup> Ibid.

<sup>115</sup> This type of building was typical on the Eastern Cape Frontier and Natal Coastal belt during those years. Although only temporary structures they were cheap to build and suitable for the hot climate in these areas. Often the accommodation of British troops consisted of these wattle and daub structures at the various military outposts.

catechist who assisted him was a Zulu, Usajabula.<sup>116</sup>

Robertson did not stay long at Umlazi Mission. Later in 1859, just as the number of converts began to increase on the Mission Station, and before he could see the outcome of his agricultural efforts, his new Bishop, Bishop Macrorie, called him to establish a mission station at Kwa-Magwaza, near Melmoth in Zululand.<sup>117</sup>

The Robertsons were very sad to leave Umlazi Mission. But their pain was somewhat lessened by the desire expressed by so many of their Black converts to accompany them to their new home.

The instant desire of the Umlazi converts to move to Zululand provided a striking proof of the love and confidence the Robertsons had inspired among the converts at Umlazi Mission. Short though their stay at Umlazi had been, they seem to have laid the foundation for future mission work. Besides, several of their people were refugees obliged to flee from their own country where they would have been executed had they remained.<sup>118</sup>

#### 4. THE CREATION OF UMLAZI MISSION RESERVE

Arch-Bishop Grabbe succeeded Rev. Robertson at Umlazi. In turn Grabbe's term of office lasted until 1861. An important development in 1861 was the granting of additional land to Umlazi Mission Station which became known as Umlazi Mission Reserve. This grant was made by John Scott, Lieutenant Governor of the Colony of Natal. Sir Theophilus Shepstone, in his capacity as Secretary for Native Affairs, signed the undertaking on behalf of Right Reverend John William Colenso,

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<sup>116</sup> Burnett : The Anglicans . . . . , p. 54.

<sup>117</sup> Ibid.

<sup>118</sup> A MacKenzie (ed.): Mission Life Among the Zulu Kaffirs, p. 60.

Bishop of Natal.<sup>119</sup> Colenso was abroad at the time.

The Umlazi Mission Reserve was bounded in the North by the Umlazi River, on the South by the Isipingo River, on the East by R. King's Farm and in the West by Lot B8 situated between the Umlazi and Umkhomazi<sup>120</sup> (See Map). It contained 7521 acres, 2 roods and 18 perches.<sup>121</sup>

As stated earlier, this measure was found to be convenient for the missionary cause, since the Church would have a permanent Black population to evangelize. This was explicitly stated in the Deed of Grant of Umlazi as the following extract indicates:

... it is expedient that certain lands adjacent to the said station, and containing approximately 7521 acres the same more or less, should be granted to Trustees in Trust for Natives, with the intent and object that the said lands may be occupied and inhabited by Natives, in order that the said Church of England in Natal may have a fixed population to labour among as missionaries without let or hindrance, upon certain conditions hereby imposed, and hereafter set forth and declared.<sup>122</sup>

Against the foregoing background, it is timely to put on record the fact that the actual establishment of Umlazi Mission Reserve did not take place until 1862 when the Deed of Grant was officially issued.

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<sup>119</sup> State Archives, Pretoria, N.T.S. 915/56, Umlazi Mission Reserve Evidence.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> State Archives, Pretoria, N.T.S. 915/56, Umlazi Mission Reserve Evidence.

## 5. WHITE SETTLEMENT AND REV. BAUGH'S ATTEMPTS TO PROTECT AND PRESERVE UMLAZI MISSION STATION

In 1862 Rev. Walter and Mrs Baugh became the next missionaries at Umlazi Mission. Since the departure of the Robertsons, the development of Umlazi stagnated.<sup>123</sup>

The recently ordained Rev. Baugh struggled despite ill-health, to keep the Mission alive at Umlazi. Two factors caused hardships for Rev Baugh in his missionary work. Firstly, the departure of several converts, when Rev Robertson left for Zululand, retarded prosperity on the mission.<sup>124</sup> Secondly, the influx of white farmers into the fertile farms surrounding Umlazi for the purpose of growing sugar cane and arrowroot, caused Blacks to move because they resented the proximity of white farmers in the neighbourhood.<sup>125</sup> In this way the influx of white farmers caused many Blacks to move to the Enwabi district about eight miles distant west of the old station. Enwabi was one of the places where Mr Robertson held frequent occasional services.<sup>126</sup>

The exodus of the Blacks of Umlazi Mission Station to Enwabi compelled the missionary to follow them. Rev. Baugh then prepared to build an outstation there, without entirely giving up Umlazi.<sup>127</sup> This state of affairs almost led to the collapse of Umlazi Mission Station. The temporary buildings at that place which had been put up by Rev. Robertson nearly ten years earlier, were almost in decay. But experience had taught Mr Baugh that he must move with his people. He

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<sup>123</sup> Burnett: The Anglicans . . . ., p. 54.

<sup>124</sup> B. Burnett: The Missionary Work of the First Anglican Bishop of Natal, The Rt. Rev. John William Colenso DD Between the Years 1852-1873. M.A. Thesis 1947 p. 79.

<sup>125</sup> A. MacKenzie (ed.): The Net Cast in Many Waters, p. 129.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

therefore abstained from spending money on substantial buildings.<sup>128</sup>

As a result of the deterioration of Umlazi Mission, there is reason to believe that in 1864, the Metropolitan of Cape Town proposed to close down the Mission Station. Records reveal that Rev. Baugh did his best to convince his superior not to do so. In a letter to the Metropolitan, Bishop Gray, in May 6, 1864, Rev Baugh explained in some detail all the problems arising from white settlement near the Mission Station.<sup>129</sup>

Baugh pointed out that Umlazi Mission was close to the outspanning place on the main road to Umkhomazi and was in close proximity to the sugar plantations on the Umlazi Valley. In consequence of white families settling in the neighbourhood and engaging largely in agricultural pursuits and cultivating plantations of sugar cane, the Blacks gradually removed either into the interior or beyond Umkhomazi where a part of their tribe was settled. This was largely because the Blacks feared that the Whites would interfere with their gardens and that their own cattle could be impounded for trespassing in the fields and plantations of the Whites.<sup>130</sup>

The increased traffic on the main road also brought trouble and annoyance to the people residing around the Mission Station. The cause of the people's grievance was the great number of cattle that were constantly at large and allowed to stray into the gardens of the Blacks.<sup>131</sup>

In spite of these difficulties Rev. Baugh did not recommend that Umlazi Mission Station be totally abandoned. For various reasons Rev. Baugh placed much value

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<sup>128</sup> Ibid. p. 129-130.

<sup>129</sup> Witwatersrand University, Anglican Church Archives, BA 14, Reports on Natal Stations: Rev. Baugh - The Lord Bishop of Cape Town, Metropolitan of South Africa, 6 May 1864, unnumbered.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

on the Mission. One reason was that the station already contained a burial place. A second reason was that a dwelling place had also been erected in consideration of a residence for the Missionary. There were other adjoining buildings too. In the black village there were four two-roomed cottages and other temporary structures. Rev. Baugh maintained that as long as these cottages were not occupied, they were likely to be occupied by labouring Blacks engaged in the sugar cane estates. Rev. Baugh pointed out there were many Blacks who applied for this accommodation. However, most of the applicants were migratory labourers, many of whom came from beyond the boundary of the Colony.<sup>132</sup> From the religious point of view, Rev. Baugh explained that in spite of their unstable existence, these people still needed to be ministered to even if their term of residence was for a few months.

In addition most of the christianised people came from other mission stations and greatly desired to attend church services. It was for their sake and that of Blacks who might choose to live on the Mission Station that Rev. Baugh desired that Umlazi Mission be preserved so that weekly services might be conducted there.<sup>133</sup>

Another important factor Rev. Baugh mentioned in support of his point was that the Anglican Church was raising some revenue from its land by the sale of wood which was cut and conveyed off the Mission Reserve. An annual rental was also levied from the hire of Church lands at a rate upwards of £100 per annum. About 350 acres had been leased for 12 months at the annual rental of seven shillings per acre, this being the matter negotiated by Shepstone with the planters. These sources of income, Rev. Baugh suggested, could be applied to aid the work at the Umlazi Mission, thus relieving the missionary of much difficulty.<sup>134</sup>

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<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

It seems that although there was no written response to Rev. Baugh's letter, his recommendations were accepted since Umlazi Mission Station was not at any stage closed down in spite of many hardships it faced at this time and even after.

## 6. MISSION WORK AT ENWABI OUTSTATION

Evangelism continued at Umlazi Mission Station in spite of the problems discussed above. Nevertheless circumstances forced Rev. Baugh to pay more attention to the Enwabi outstation.

The correspondence of the Baugh's shows that missionary work at Enwabi under Baugh was a success comparable to that at Umlazi under Robertson. Letters from Umlazi contained cheering accounts of the work at Enwabi. Rev. Baugh, thus wrote on 3 January 1867 as follows:

The heathen Kraal Natives rally round us here. Our Church is full, Sunday after Sunday, yea, more than full sometimes. The attendance of day pupils is increasing, and our influence for good, I observe, is on the increase day after day.<sup>135</sup>

Besides preaching the gospel to Blacks, Rev. Baugh, like Rev. Robertson, also taught agriculture to the converts in the outstation. In his letter he further points out the following:

We have quite the show of an establishment now, and our newly tilled land would convey the idea that our station is the settlement of a newly-arrived European farmer emigrant. We have now oxen, cart, plough, harrows etc.<sup>136</sup>

The increase in the number of converts and the agricultural effort do not in any way mean that Rev. Baugh was without difficulties. His main problem was lack of funds. This was largely because he had used up all the funds in building the New Church. He had under his purse strings a sum of £150 being the remains of

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<sup>135</sup> Extract of letter of 3 January 1867 quoted in A. MacKenzie (ed.) - The Net Cast in Many Waters, pp. 134-135.

<sup>136</sup> Ibid.

a Government grant of £50 a year for industrial purposes.<sup>137</sup> Although this grant was withdrawn, a grant of £24 a year was made in its stead to cater for school requirements.<sup>138</sup> For this reason Rev. Baugh appealed to Christian people to assist his mission station with money and other contributions in kind to meet general purposes.<sup>139</sup>

It has been shown in this section that the departure of Rev. Robertson and the arrival of Whites in the neighbourhood of Umlazi, placed the future of the mission at stake. However, Rev. Baugh's courage and determination to preserve the mission helped the mission station to survive. The proximity of Enwabi outpost also helped to maintain evangelism to the same Christian community which Rev. Robertson had served. In this way evangelism in the area did not die.

Besides Enwabi there was another Anglican outstation called Umgabi Mission Station. According to the evidence supplied by Bishop Colenso's daughter, Miss Harriette Emily Colenso (who was also a missionary) to the Lands Commission of 1900, it was not quite clear if Umgabi Mission Station was on the Umlazi Mission Grant.<sup>140</sup> The Enwabi outstation lay on the edge of the mission land and the Government Location land (i.e. Umlazi Location). This position was so only because the missionaries had shifted from one side of it to another side to put their buildings there.<sup>141</sup> This aspect is related to the boundary problem being discussed in this chapter.

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<sup>137</sup> Ibid. p. 130.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Evidence to the Land Commission 1900, p. 22.

<sup>141</sup> Ibid, p. 27.

## 7. BUREAUCRACY AND ITS EFFECTS ON UMLAZI

Some of the land problems at Umlazi Mission during this period emanated from the manner in which Black areas were managed. The nature of the administrative machinery for running Black locations and Mission Reserves gave powers to several officials in the government and the Churches over these areas.

The order of government officials was hierarchically arranged as follows: Secretary for Colonies, Governor or Lieutenant Governor, Secretary for Native Affairs, Resident Magistrate, Surveyor-General and Supervisor of Locations and Mission Reserves. The Anglican Church too was institutionally controlled by several authorities, namely, the Metropolitan in Cape Town, the Bishop of Natal, the Board of Curators and the Missionaries. At local level there was also the tribal chief. Each of these officials had a part to play in decision making.

This bureaucracy worked to the detriment of the sound administration of Black Locations and Mission Reserves. The redress of any issues relating to the affairs of Umlazi Mission Station necessitated circulation of correspondence to various officials involved. Often this procedure would entail unnecessary duplication of the exercise of power. Delays resulted but sometimes a clash of opinions could not be avoided. At times there were even deadlocks.

The clash of opinions among authorities can be illustrated by the account of what took place when two Blacks had to be evicted from Umlazi Mission Reserve. In 1897 Father Augustine Robinson, Missionary in charge of Umlazi Mission Reserve, submitted a letter to the Secretary for Native Affairs.<sup>142</sup> In that letter he requested that two Blacks, Jeremiah Biyela and Jim Makovela be removed from Umlazi Mission Reserve for various cases of misconduct. Reasons were supplied in detail. The Board of Curators unanimously supported the request and also

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<sup>142</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA 1/1/243, Letters Received: Robinson - Secretary for Native Affairs, 28 April 1897.

wrote to the Secretary for Native Affairs on 28 April 1897.<sup>143</sup> However, the Secretary for Native Affairs could not find convincing evidence to justify removing the two Blacks from the Mission Reserve. Nevertheless he referred the matter to the Magistrate, Umlazi Division.<sup>144</sup>

The impasse created by the Biyela-Makovela case reflects the problems that were involved in the administration of Mission Reserves and in particular Umlazi Mission Reserve. Perhaps Mr Samuel Olaf Samuelson J.P., Under Secretary, was justified to have said the following words:

At the present time neither the government nor the Missionaries have the requisite power to properly control the Natives on the Mission Reserves. There is no proper control. The Missionary has not a landlord's right and powers, nor has the Government. Full lay control should be possessed by the Government. There should be no dual control.<sup>145</sup>

Maladministration in Umlazi Mission Reserve also manifested itself in the issue connected with the boundary problem.

## 8. THE BOUNDARY PROBLEM

As has been pointed out, when Umlazi Mission Station was founded in 1856 it was granted a glebe of 476 acres. As mentioned the station was extended and granted a Mission Reserve of 7,521 acres in 1862. However, it soon became apparent that the boundary of the Reserve was not clear as shown by the evidence supplied by Miss Colenso. It was not clear if the three stations, that is, Umlazi Mission, Enwabi and Umgabhi were actually on the Mission Reserve or not. This uncertainty points to the lack of precision about the boundaries of the Mission

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<sup>143</sup> Ibid.

<sup>144</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA 1/1/243, Letters Reserved: Secretary for Native Affairs - Board of Curators, 29 April 1897.

<sup>145</sup> S.O. Samuelson, Report of the Lands Commission 1900, p. 11.

Reserve. This problem remained unsolved for some time.

The main problem that arose was to point out the boundary line between the Mission Reserve and the Location. This problem presented difficulties for missionaries who could not control the movement and settlement of Blacks in the area. Act No. 40 of 1896 served as a guideline to define the boundaries of Black Locations and Mission Reserves. Section 6 of this Act read as follows:

All Natives shall be deemed to be under the chief on whose side of the boundary they may reside; provided that when any boundary may separate a Native from his own tribe or chief, such Native may, with the consent required for usual removals, remove to the other side of the boundary within two years from the date of such boundary being defined, and if he shall not so remove within such period he shall, after the expiry thereof, be deemed to remain under the chief on whose side of the boundary he may reside.<sup>146</sup>

Section 7 of the Act clarified the position of boundaries between Mission Reserves and Locations. It read as follows:

The Governor in Council may require the Trustees of any Mission Reserve Lands to lay down thereon boundaries in continuation of boundaries on contiguous locations, and the Natives on reserved Mission land shall be bound by a boundary thereon in the same way as a Location Native is hereby made subject to a location boundary.<sup>147</sup>

Section 8 of the Act made it clear that failure to observe this law was a violation of the Act. It stated :

Every Native disregarding any boundary defined under this Act, or crossing over any such boundary and settling upon an unauthorized side thereof, shall be deemed guilty of a contravention of this Act.<sup>148</sup>

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<sup>146</sup> Section 6 of Law No. 40 of 1896 in Statutes of the Colony of Natal, 1845-1899, p. 45.

<sup>147</sup> Section 7 of Law No. 40 of 1896 in Statutes of the Colony of Natal, 1845-1899, p. 46.

<sup>148</sup> Section 8 of Law No. 40 of 1896 in Statutes of the Colony of Natal, 1845-1899, p. 46.

Had these measures been strictly enforced and observed, the boundary problems that existed at Umlazi Mission Station would have been overcome. Unfortunately for Umlazi Mission the law was not adhered to. This is seen in a letter of 1897 directed to F.R. Moor, Secretary of the Native Trust, Pietermaritzburg, by the Board of Curators. In this letter the Curators requested to send a Surveyor-General to point out to them the boundary line between the Umlazi Mission Reserve and the black location. Miller, on behalf of the Curators wrote:

I am informed that the Boundary line has never been laid off in terms of the regulations under which the Reserve and Location were laid down.<sup>149</sup>

He further explained the problem resulting from the uncertainty of boundaries as follows:

At the present moment the Natives are cutting wagon and firewood from the Bush near the supposed Boundary line and we are not in a position to protect the Bush from destruction until our Boundary is defined.<sup>150</sup>

Not only did non-resident Blacks fell timber but the Board of Curators also reported that several Blacks from the East Coast had squatted on the Mission Reserve.

However, the Natal Native Trust did not seem to take this matter seriously. They replied expressing reluctance to deal with the matter as requested. The answer contained the following words:

The Natal Natives Trust is not prepared to instruct the Survey Department to define the boundary line between the Umlazi Mission Reserve and Location, or to bear any expense in connection with the laying down of such line.<sup>151</sup>

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<sup>149</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA 1/1/243 Letters Received: Miller-Moor, 19 March 1897, unnumbered.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

Studying the above arguments it would seem as though the Natal Natives Trust did not always act in the interest of Umlazi Mission Reserve and its people. This attitude also manifested itself in the manner in which the land issue was handled especially in the years 1865-1910.

## 9. THE PROBLEM OF LAND OWNERSHIP

As explained earlier, the mission stations and Mission Reserve were granted trust land when they were formed. There was a separate trust for each tribe. During the passage of time missionaries could decide whether their converts by their industrious habits were fit to own the land on a freehold basis. This arrangement was according to Shepstone's principle of 'gradualism' mentioned already.

This position however, changed in 1864. According to the Letter Patent of 27 April of that year, a Natal Native Trust was appointed and consequently most of the original principles were put aside.<sup>152</sup> A general title to all locations and Mission Reserves (2,262,066 and 144,192 acres respectively) was issued to the Executive Council of the Colony of Natal in trust.<sup>153</sup>

There was no provision for the allocation of the location lands to families or individuals.<sup>154</sup>

In spite of this general rule and tight restrictions some missionaries especially those of the American Board, as previously indicated, went ahead to recommend their converts be granted individual tenure in respect of the land they occupied. Thus between 1866 and 1868 the granting of individual titles was in full swing. A large number of such freehold grants had been made at Umvoti as well. A long list of those Blacks residing at Umthwalume and Ifafa who wished to have

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<sup>152</sup> E. Brookes and N. Hurwitz : Native Reserves in Natal, p.9.

<sup>153</sup> Ibid.

<sup>154</sup> Ibid.

individual titles was presented to the American Board.<sup>155</sup> In the case of Umvoti Mission Reserve, approximately 3,000 acres was in this way allocated to individual Blacks, in extent about 15 acres and under.<sup>156</sup>

In the Amanzintoti, Imfume, and Ifafa Reserves the amount of land thus allocated was approximately 751 acres, 227 acres and 100 acres, respectively.<sup>157</sup>

Initially titles to the Reserves stipulated that the Governor might, on the application of the trustees,

allot and transfer to any Natives resident at any time on the Reserve land such portions thereof as the Governor may see fit, and at such price as may impose.<sup>158</sup>

This prevented missionaries from granting land to Blacks without approval by government. However, in 1891 Supreme Court held that the holder of such land could pass transfer in the ordinary way without special approval by the Government.<sup>159</sup>

However, as time went on, it seems there was a new wave of thought, even with the American Board regarding the subject of granting land to Blacks. Missionaries realized that there were shortcomings in the system of giving individual titles to Blacks.

One reason given was that certain converts relapsed into polygamy but could not be removed when discovered since they held a freehold title. Such was the observation of some missionaries such as Rev. H.D. Goodenough Secretary to the

<sup>155</sup> Report of the Land Commission, February 1902, p.27-28.

<sup>156</sup> Ibid. p. 27.

<sup>157</sup> Ibid. p. 27-28.

<sup>158</sup> Report of the Land Commission, February 1902, p. 27.

<sup>159</sup> Ibid.

American Board of Missions in 1894.<sup>160</sup>

Another reason mentioned was that the granting of freehold plots to a black resident on a Mission Reserve would probably encourage him to live in idleness.<sup>161</sup> Consequently missionaries such as Rev. Mr Wilder of Umtwalume Mission was frank on this issue. He explained to the Government Commission which visited his mission station at Umthwalume in 1886, that the original idea of granting individual titles to black residents on Mission Reserves had not proved successful. He further pointed out that it was not considered advisable to make more individual grants to them.<sup>162</sup>

By studying these developments one can realize that there was a lot of inconsistency in the practice of granting individual titles to Blacks. One thing stands out clearly, however. The missionaries played a leading role in persuading or dissuading the matter to the Government. With regard to Umlazi Mission Reserve Bishop Colenso experienced some problems from the very time the Umlazi Mission Reserve was founded in 1862.

When the Umlazi Mission Reserve grant was made in 1862 Bishop Colenso and his family was in England (ie. between August 1862 and October, 1865).<sup>163</sup> The grant was made out to the Secretary for Native Affairs (then Sir Theophilus Shepstone) and the Bishop of Natal and his successors as Trustees.<sup>164</sup> (Explained earlier)

After Colenso's return to Natal in 1865, he had some correspondence with his

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<sup>160</sup> Rev.H.D. Goodenough quoted in the report of the Land Commission, February 1902, p. 28.

<sup>161</sup> Report of the Land Commission, February 1902, p. 27.

<sup>162</sup> Ibid., p. 22.

<sup>163</sup> Evidence to the Land Commission of 1900, p. 22.

<sup>164</sup> Ibid.

co-trustee (Sir Theophilus Shepstone) making it plain to him that his position was merely nominal on that trust.<sup>165</sup>

Miss Colenso explains thus:

He (meaning Bishop Colenso) could do nothing without the consent of the senior Trustee, whose opinion it was that the deed of Grant precluded them from leasing, letting, or doing anything with the land, except allowing the Natives to live there, unless any of those Natives were then prepared to take allotments.<sup>166</sup> (Brackets mine)

Miss Colenso points out that her father was disappointed to find that he could not use the land and in consequence, could really do nothing with regard to the Umlazi Mission Station.<sup>167</sup>

This evidence explains that from the very beginning of its history, the administration of Umlazi Mission Reserve was made difficult because the land was not fully in the hands of the Church. Consequently the destiny of the people as far as land ownership matters was concerned became uncertain. However, from Miss Colenso's statement it is clear that there was always concern that the Reserve should be left entirely for the sole occupation of Blacks. This situation was maintained until it was fixed by the Mission Reserve Act (1895) as already indicated. However by 1865, the demand of granting individual titles to Blacks at Umlazi Mission had not yet been met.

The Mission Reserves Act No. 25 of 1895 seems to have entitled Blacks to own land on Mission Reserves. Section 13 of that Act read as follows:-

Natives, whether male or female, may acquire land in a Mission Reserve, and may be given title thereto, and such land may be held and enjoyed by such Natives and their heirs, subject only to the provisions of this Act and the due

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<sup>165</sup> Ibid. p. 23.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

observance of any rule passed hereunder, and of any conditions obtained in the title deed.<sup>168</sup>

In the light of the Act stated above, the residents of Umlazi Mission Reserve became legally entitled to the land they occupied like other residents in various Mission Reserves. However, this position was accepted nominally only but not practised. Another factor during those years that seems to have obstructed the Government in its administration of Umlazi Mission was the interest shown by White businessmen in the area.

#### 10. COMMERCIAL INTERESTS IN UMLAZI MISSION RESERVE AND ADJACENT AREAS

As already indicated in Chapter 1, the coastal position of Umlazi Location, made White colonists to have designs on it and to be jealously critical of the government policy of granting the land to the Blacks.

Even at the turn of the 20th century, there was still a strong feeling among white settlers that coastal areas should have been left in the hands of Whites. The Land Commission of 1902 expressed this feeling in no uncertain terms thus:

For a number of years the Mission Reserves have been regarded as a stumbling block to the progress of the country, but Commissioners think this should be taken to apply only to those Reserves on the Coast, as for instance, Umvoti, Umlazi, Amanzimtoti, Imfume, and Ifafa, or part thereof, which, if not locked up, would in common with the lands on the Coast have been utilized for European occupation, and participated in the general progress of that part of the country.<sup>169</sup>

There is evidence from the records of Rev. I. Ikin who in 1886 was Land Agent, Secretary of Board of Curators and Missionary of Umlazi Mission Reserve, that an

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<sup>168</sup> Act No 25, 1895, Acts of the Parliament of the Colony of Natal, p. 64.

<sup>169</sup> Report of the Land Commission, 1902, p. 28

attempt was once made by the Government to either repossess Umlazi Mission or transfer it to some other authority. From the contents of this letter (dated Durban 16 November 1886) it seems Rev. Ikin had been requested to study the agricultural potential of Umlazi Mission Station and make recommendations.<sup>170</sup> It also seems that the Colonial Government wished to transfer the Mission Glebe to some other form of trust. Among the things the Rev. Ikin said was that a certain portion of land, Lot 37, in extent 7521 acres, was not suitable for either pastoral or agricultural purposes. Nevertheless he did not advise the Government to take it. Among other things he said:

I trust the Government will not take away from us the 500 acres Glebe land there, if the other.<sup>171</sup>

This is some indication that by 1886 the Government had certain plans about Umlazi Mission Station which however, did not materialise. Some Whites wanted to use the Mission Reserve to pursue their commercial interests. In 1907, for instance, the Secretary for Native Affairs received an application from Keynochs Ltd. This Company desired to lease some 500 acres of land either on the Umlazi Mission Reserve or in the Umlazi Location.<sup>172</sup> The lease was intended to be of a permanent nature. The Department of the Secretary for Native Affairs considered the application but turned it down. Mr S.A. Samuelson, Under Secretary for Native Affairs, explained that the application was being turned down as he could find nothing in the Deed of Grant of Umlazi Mission Reserve enabling the trustees either to sell or lease portion of the Reserve.<sup>173</sup>

The failure of Keynochs' Ltd to secure land on the Reserve shows that the

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<sup>170</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA N922/1886, Letters received: Ikin - Colonial Office, 16 November 1886.

<sup>171</sup> Ibid.

<sup>172</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA 1/1/387, Letter Received: Keynochs Ltd - Secretary for Native Affairs, 1907.

<sup>173</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA 1/1/387, Letters Received: Samuelson - Askew.

Secretary of the Native Trust was not prepared to violate the rules of the Act. The reply of the Secretary went on to point that there was sufficient vacant land available on Location lands adjoining Umlazi Mission Reserve or on the south of the Isipingo River which could be used by this Company without interfering with the land belonging to the Blacks.

Accordingly in 1909, 1395 acres of Umlazi Location at Mbogontwini were sold by the Natal Native Trust to Kynoch Ltd.<sup>174</sup> In that way Kynoch's Ltd could not establish business on Umlazi Mission Reserve soil.

Not all applications to lease land at Umlazi Mission were turned down, however. One business firm that was permitted to lease land on the Umlazi Reserve was that of Messrs Mowat and Still, a firm of Builders and Contractors. They concluded a lease of about 70 acres in the Reserve. Correspondence between this company and the Natal Native Trust shows that when this company became insolvent, difficulties were experienced in claiming lease rents which, as a matter of policy, went to the coffers of the Natal Native Trust for the benefit of the Mission Reserve.<sup>175</sup>

It is noteworthy, however, that in other mission stations much was done to discourage the idea of allowing other people, other than Blacks to lease the land for commercial purposes. Instead more Blacks were encouraged to settle on a Mission Reserve in the interest of black tenants themselves. At Ulufafa (Ifafa) Mission Reserve, for instance, by 1895 the Reserve was occupied by Black tenants with 161 huts bringing in a yearly amount of R161 in rent.<sup>176</sup> It was felt that this amount could be increased considerably if more Blacks were permitted to live

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<sup>174</sup> H.C. Lugg : Evidence of the Local Health Commission, N.T.S. 915/56, Umlazi Mission Reserve Evidence.

<sup>175</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA 1/1/317 Minute Papers.

<sup>176</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA 1/1/206-1/1/207 Minute Papers.

in the Reserve.<sup>177</sup>

In 1895 the Secretary for Native Affairs suggested to the Colonial Secretary that the Ifafa Reserve should not be sold to people who would commercialize to the disadvantage of the Blacks.<sup>178</sup> He made this recommendation in the following words:

I would recommend for the consideration of Ministers that it would be more profitable to the Government in the long run to reserve the reserve from sale than to sell it to persons who would buy it as a speculation and who would be enabled to pay a great part of the instalments with money received by them as rents.<sup>179</sup>

Generally speaking then, the policy of the Government was to protect the interest of the Black tenants on Mission Reserves. But somehow this protective policy could not be applied effectively at Umlazi Mission.

These developments i.e. the commercial designs in the neighbourhood of Umlazi Mission Reserve did not deprive the people of Umlazi Mission Reserve of their land. However, they paved the way for later developments and problems. By leasing land to White capitalists, the Natal Native Trust and the missionaries had created a precedent that Black land could be placed in the hands of outsiders, that is, Whites and Indians. The increase in business firms like Keynoch Company shows that the neighbourhood of the Umlazi Mission Reserve was slowly becoming urbanized.

#### 11. SCHISM AND ITS EFFECTS ON UMLAZI MISSION, 1863-1910

An important event in the history of the Anglican Church, in South Africa which affected Umlazi Mission to some extent, was the schism which started from the

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<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

early 1860's and lasted until shortly before the formation of Union in 1910.

Up to 1853 when Natal became a separate diocese, all Anglican activities in Natal came under the direction of James Green. Green was appointed Rural Dean of Pietermaritzburg by the Bishop of Cape Town, also referred to as the Metropolitan of Cape Town. As indicated earlier, John William Colenso was consecrated the first Bishop for Natal in November 1853. To this post he was appointed by Robert Gray, Bishop of Cape Town, Colenso being then 39 years old.

On 23 January, 1854, Bishop Colenso arrived at his Diocese. After a ten-week orientation, he returned to England on a missionary assignment and came back to Natal permanently in May 1855.<sup>180</sup> With his eagerness Bishop Colenso planned to work among the Zulus and looked upon his missionary work there as his most important duty.<sup>181</sup> He did considerable work to extend missionary activity throughout Natal and Zululand by sending missionaries to various parts of the country to carry out mission work. In the course of time he commanded respect and popularity from the Zulus.

The schism whose details fall outside this study, was a purely theological matter. It arose from Bishop Colenso's interpretation of the Bible and his tolerance of certain Zulu customs such as polygamy. This brought the Bishop into conflict first with James Green and Bishop Gray, and later, with the Anglican Church as a whole. Whereas James Green was a Tractarian who wished to restore the unity and purity of the early Christian Church, Bishop Colenso was an advocate of a broadly based Anglican Church which would tolerate widely varying opinions and traditions.<sup>182</sup>

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<sup>180</sup> E.H. Brookes and C. de Webb: A History of Natal, p.106.

<sup>181</sup> Ibid.

<sup>182</sup> B.E.T. Masilela: The History of Missions in Zululand, p. 83.

As a result of Colenso's speculative works on the first five books of the Bible, he was tried for heresy and deposed from his bishopric in 1863 and excommunicated on 5 January 1866.<sup>183</sup>

Consequently the majority of his clergy opposed him and took possession of their churches. This position, however, was changed by two judgements - one of Lord Romilly, Master of the Rolls, in 1867 and the other of the Supreme Court of Natal, according to which Colenso was awarded temporalities of the See.<sup>184</sup> His opponents were excluded from all the churches except in two cases to which the terms of the judgement did not apply which exceptions laid the foundation for new churches being built.<sup>185</sup>

These developments did much damage to the Anglican Church in South Africa. The result was that the Church split into two factions, viz. one led by Bishop W.K. Macrorie with the title Bishop of Maritzburg and supported by the Society for the Propagation for the Gospel (S.P.G.) and the other led by Bishop Colenso with independent financial backing.<sup>186</sup>

The Zulu congregation was also split into two factions. Some remained loyal to Bishop Colenso while others accepted the authority of Bishop Macrorie. At Umlazi too, there was a split. Some Christians still put much confidence in Bishop Colenso, while others came to support Bishop Macrorie. In due course the adherents of Bishop Colenso called themselves the Church of England in South Africa. But the adherents of Bishop Macrorie were incorporated into the Church of the Province of South Africa.

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<sup>183</sup> Burnett: The Anglicans . . . . , p. 80.

<sup>184</sup> Ibid. p. 83.

<sup>185</sup> Ibid.

<sup>186</sup> B. Burnett : The Missionary Work of the First Anglican Bishop of Natal, The Rt. Rev. John William Colenso D.D. Between the Years 1852-1873. M.A. Thesis, 1947 , p. 86.

The schism had adverse effects on the Anglican Church as a whole, particularly on Bishop Colenso's Church. Bishop Colenso faced difficulties because he retained church property even though he had no means of maintaining or developing it. Further the split within the diocese necessitated the duplication of functions within the Church. This wastage of funds seriously hampered the smooth functioning of missionary work both within the Church of the Province and the Church of England.<sup>187</sup>

The division partly explains the reason for the neglect of Umlazi Mission. The Supreme Court awarded the property of the Church of England to Bishop Colenso in 1868. At that time Rev Baugh, who was engaged with missionary work at Umlazi Mission Station, sympathized with the Church of the Province of South Africa. Consequently he was obliged to relinquish his post. His work was subsequently shouldered by Mr Webster, a White catechist who was supported from Umlazi rentals.<sup>188</sup>

This was indeed a difficult phase in the history of Umlazi Mission. On this period, Bishop Burnett writes of Umlazi:

The Church schism had virtually extinguished the life of the mission though evangelism and teaching had gone in a desultory fashion.<sup>189</sup>

The schism lasted for a considerable length of time. Even the death of Bishop Colenso in 1883 did not unify the two opposing factions. Bishop Burnett, however points out that the death of Dr Colenso did not heal the breach in the Church, although the controversy cooled down at once when Colenso's doctrine's were eliminated.<sup>190</sup>

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<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Burnett : The Anglicans . . . . , pp. 151-2.

<sup>190</sup> Ibid. p. 110.

## 12. THE CHURCH PROPERTIES ACT - 1910

Towards the end of the century the spirit of reconciliation between the two factions grew. Capable peacemakers within the Anglican Church facilitated the pace towards unity. After the appointment of Rev. F.S. Bairns as Bishop in 1903, the Anglican Church reached a landmark when it introduced the Church Properties Bill in the Natal Parliament. In a bid to unify all the Anglicans, the proposed Bill sought to bring under one administration all church properties registered in the name of Dr. Colenso under the Church of the Province of South Africa.

For some time the Bill was debated in the Legislative Assembly because some people opposed the idea of a reunited Anglican Church. Among these was Miss H. Colenso who argued against the doctrines of the new church. Joining her were Curators of the Church of England who also opposed the Church Properties Bill.

However by 1910 it became clear that the tide in favour of the Bill was too strong to be opposed. The Bill was passed in 1910 as Act NO. 9 of 1910 and became commonly known as the Church Properties Act. According to this Act, the Right Rev. Frederick Samuel Baines D.D., Bishop of the Anglican Church in Natal, and the Diocesan trustees of the Diocese of Natal for the time being, were declared the trustees of certain properties (described in Schedule A of the Act).<sup>191</sup> The Act gave them power to hold, use, administer, lease, sell, exchange or otherwise alienate the listed properties for the use and benefit of the Anglican communion in the Colony of Natal whether known as the Church of England or the English Church of the Province of South Africa.<sup>192</sup>

According to this Act then Umlazi Mission Reserve and Umlazi Glebe or Grant fell under Schedule A of the Act.<sup>193</sup> This meant that legally it fell under the

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<sup>191</sup> Section 1, S.A. Act NO. 9 Of 1910.

<sup>192</sup> Ibid.

<sup>193</sup> Numbers 35 and 36 of Schedule A in Act NO 9 of 1910.

administration and control of Bishop Bairns, the Bishop of the Anglican Church in Natal. The old Board of Curators was dissolved, its place being taken by the Anglican Trust Board.

It bears stressing that the Church Properties Act did not in any way supersede the previous Act of 1903, which contained rules for the administration of all Mission Reserves. Act N0 9 of 1910 merely concerned itself with the Anglican Church and sought to end the division which had kept the Anglican Church apart for nearly fifty years.

By the formation of Union on 31 May 1910, the Anglican Church was thus a united church. However, peace and unity would not easily be restored by the Church Properties Act. One reason for this slowness was that opponents of the new order were not happy with the manner in which the recently salvaged unity had been achieved. For a fact they criticised the way the Church Properties Bill had been debated, pointing out that the final stages of the debate were characterised by rather unethical tactics and irregular procedures on the part of those in favour of the Bill.<sup>194</sup> One opponent commented as follows in the Natal Mercury :

The promoters of the Bill gained the victory, but it is a victory more humiliating than the most dire defeat, as it has been achieved by tactics that lovers of justice and fair play must regard with sorrow and abhorrence.<sup>195</sup>

These feelings of resentment reflect the problems that faced the Anglican Church in general and the Church at Umlazi in particular at the time immediately after Union. With the support of Miss Colenso the adherents of Dr. Colenso continued to regard themselves as members of the old Church of England and refused to recognise the authority of the new church. This dispute was not confined to theological differences but affected issues of Umlazi Mission lands as well.

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<sup>194</sup> The Natal Mercury, 3 February, 1910, p. 6. (The Church Properties Bill).

<sup>195</sup> Ibid.

### 13. CONCLUSION

This chapter sought to highlight the social, administrative and church problems which faced Umlazi Mission Station and Reserve for five decades after the founding of the Mission Station. The chapter showed how these problems continued to stifle the stability of life on the mission station. As it was shown, most of the issues behind the disputes tended to be land-related.

The issue that featured prominently after the inception of the Mission Station and the Reserve, concerned the granting to Blacks of legal entitlement to land ownership in the Mission Station. Government policy however, was erratic. As has been argued in this chapter, there was no consistency in the granting of individual titles for land occupied by Blacks on Mission Reserves.

At Umlazi Mission Reserve the process of legalising land ownership was slowed down by internal dissensions within the Anglican Church itself. The split in the Church caused the church authorities to adopt an indifferent attitude towards Umlazi Mission Reserve. Consequently among the Missionaries, not even the humanitarian Bishop Colenso addressed the issue of securing land rights for the Black community of Umlazi Mission Reserve.

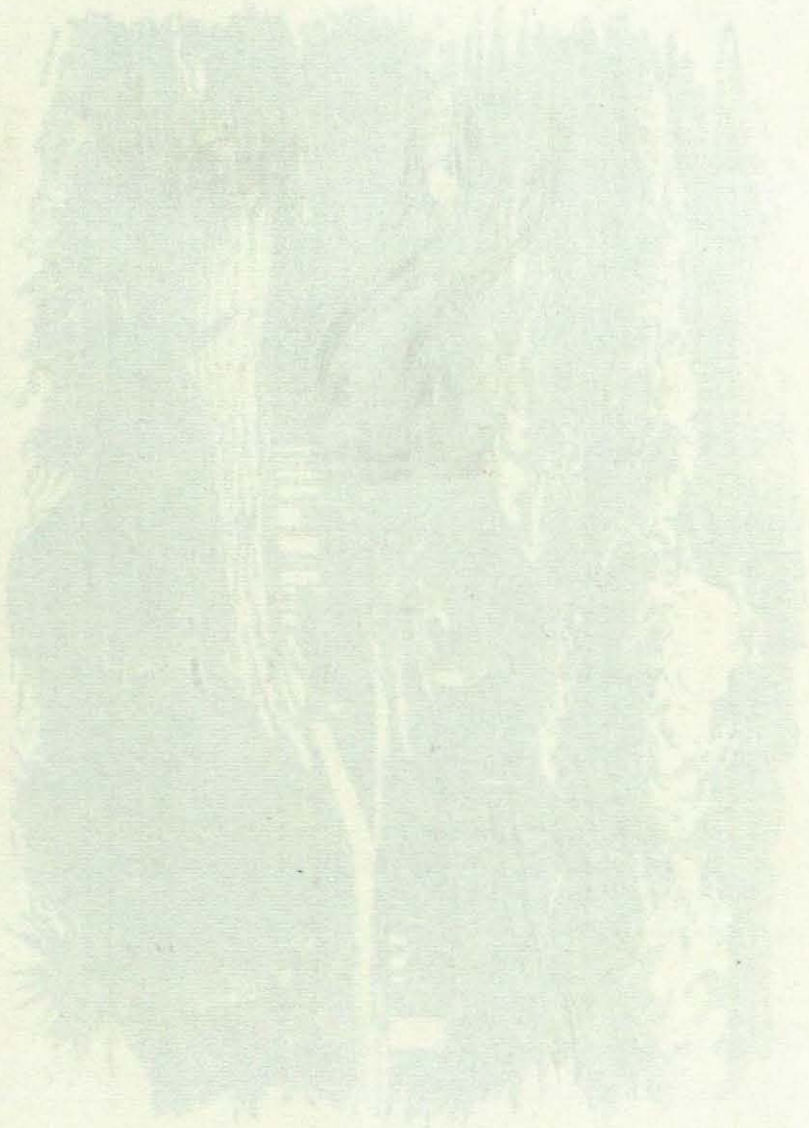
It was noted also, that during the years covered in this chapter, the Blacks were excluded in the decision making forums on land issues. Consequently debates and contributions came from white missionaries and white government officials who represented black interests.

It emerges from this account that Whites were increasingly desirous to occupy lands adjacent to Umlazi Mission or to lease land in the Mission Reserve itself. As was noted, white presence did not allay black concerns but increased tension. Disliked though the white presence was, their grudging presence signalled the beginning of urbanisation. During subsequent years, this urbanisation process was to add certain dimensions to the land controversy around the development of Umlazi Mission

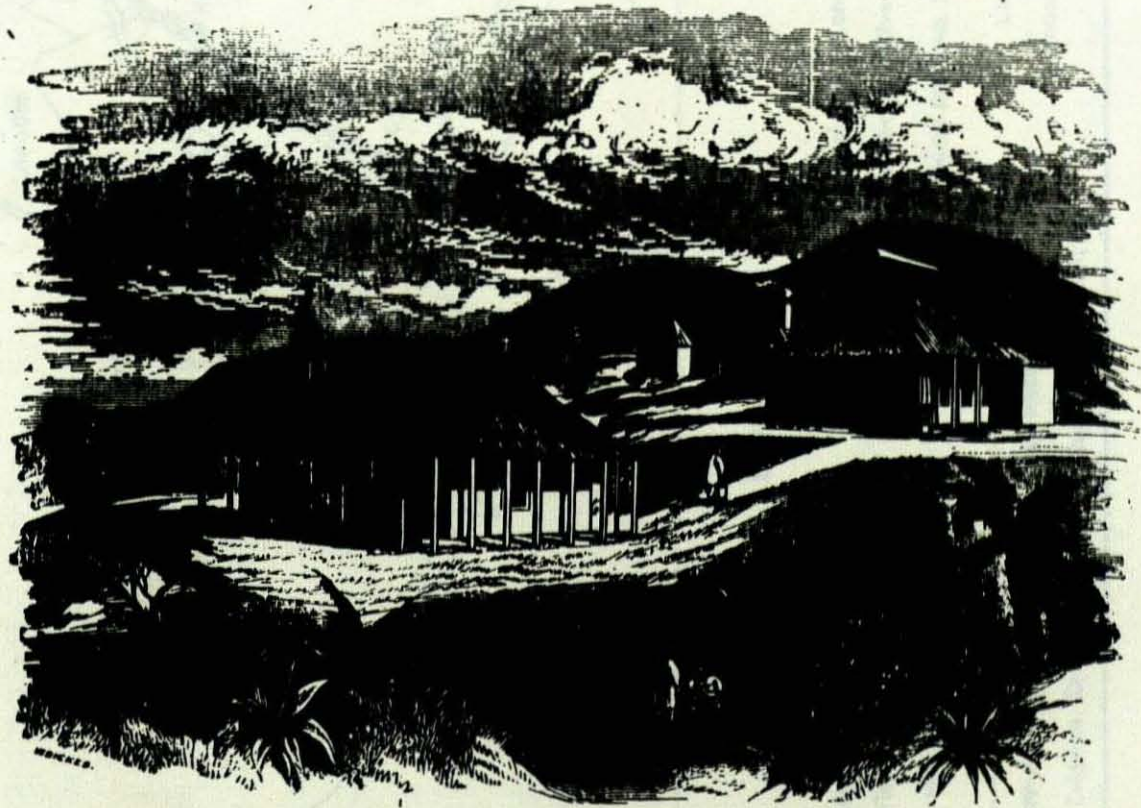
Station.

*The Local Mission Station*

*Source: Macdonald, K. (1987). The Local Mission Station (1987). Discussion of Social Structure*

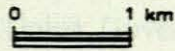
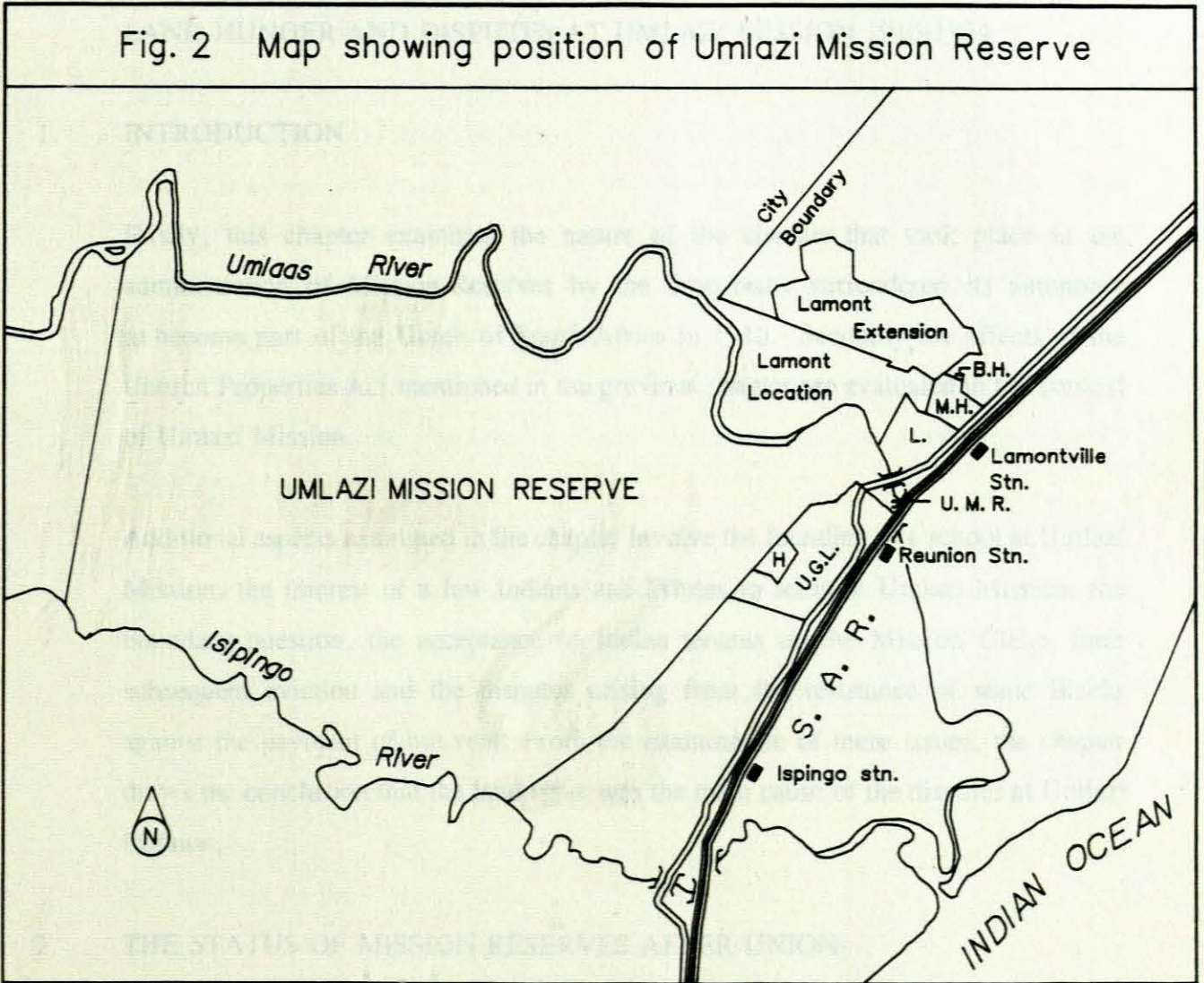


## *The Umlazi Mission Station*



Source: Mackenzie, A (Ed) : The Net Cast In Many Waters (1867) (Bembrose & Sons London)

Fig. 2 Map showing position of Umlazi Mission Reserve



		Approx. Area in metres
H.	- Hospital	
L.	- Lakefield	
B. H.	- Beer Hall Site	
U.G.L.	- Umlazi Glebe Lands	..... 170
M.H.	- Merebank Native Hostel	..... 40
U.M.R.	- Umlazi Mission Reserve	..... 8 000
	Lamont	..... 449
	Lamont Ext.	..... 449

Source: State Archives, Pretoria, NTS 915/56, Umlazi Mission Reserve Evidence. Drawn in The Dept. of Geography, 3/1993.

## CHAPTER 3

## LAND HUNGER AND DISPUTES AT UMLAZI MISSION 1910-1924

## 1. INTRODUCTION

Firstly, this chapter examines the nature of the changes that took place in the administration of Mission Reserves by the time Natal surrendered its autonomy to become part of the Union of South Africa in 1910. Secondly, the effects of the Church Properties Act mentioned in the previous chapter are evaluated in the context of Umlazi Mission.

Additional aspects examined in the chapter involve the founding of a school at Umlazi Mission, the interest of a few Indians and Whites to settle at Umlazi Mission, the boundary question, the acceptance of Indian tenants on the Mission Glebe, their subsequent eviction and the disputes arising from the resistance of some Blacks against the payment of hut rent. From the examination of these issues, the chapter draws the conclusion that the land issue was the main cause of the disputes at Umlazi Mission.

## 2. THE STATUS OF MISSION RESERVES AFTER UNION

One of the first acts of the Union Government in 1910 was to create the Union Department of Native Affairs which took over the function of the separate similar departments of the former colonies.<sup>196</sup> It implied the existence of the black population as a separate community to be legislated for specially.<sup>197</sup>

The Mission Reserves, which, as pointed out earlier, existed only in Natal, were not disturbed by Union. The Mission Reserves Act of 1903 remained the cornerstone in

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<sup>196</sup> D.W. Kruger: The Making of a Nation, p. 60.

<sup>197</sup> Ibid.

the administration of Mission Reserves. Until 1912 the Natal Native Trust was the body that administered Mission Reserves. In these areas the welfare of the Blacks still formed part of its responsibilities. The Natal Native Trust would consider any scheme a missionary submitted as long as it was in the general interests of the Blacks.<sup>198</sup>

The Blacks were thus protected against any measures that might cause them to forfeit their rights and privileges as tenants in Mission Reserves. Their removal was effected under an order by the Supreme Chief, that is, Governor-General, acting in conjunction with the Natal Native Trust.<sup>199</sup> But such an order would not be issued unless substantial proof could be advanced to show that their removal would be in the interests of the Blacks and of the colony.<sup>200</sup> The Resident Missionary still enjoyed the power of landlord. He was invariably consulted before permission to enter the Reserve was granted.<sup>201</sup>

However, by Act No. 1 of 1912 the powers of the Native Trusts were transferred to the Minister of Native Affairs. Accordingly the Act of 1912 amended or repealed Act No 29 of 1910 (Natal). It empowered the Governor-General to delegate to the Minister of Native Affairs the administration of matters which on 31 May 1910 were administered by Native Trusts.<sup>202</sup>

Section 2 of the Act read as follows :

... the Governor-General may delegate to the Minister of all such matters as were on the thirty-first day of May, 1910 and have been since that date administered by any legally constituted Native Trusts.<sup>203</sup>

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<sup>198</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA No 473/3126/1910, Letters Received: Secretary, Natal Native Trust - Rev Father Superior, 27 September, 1910.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

<sup>202</sup> Statutes of the Union of South Africa, 1912, p. 2.

<sup>203</sup> Ibid.

The Act of 1912 provided that no lands held by such trusts by that date (other than lands required for church, school or trading purposes or for public purposes) would be alienated unless authorized or approved by an Act of Parliament. The transfer of power to the Minister of Native Affairs did not change the status of Mission Reserves. Hence the development of Umlazi remained undisturbed.

It was, however, the provisions of the Church Properties Act, mentioned in Chapter Two, that was to create problems on the Mission Station. The effects of this act on Umlazi Mission Station deserves more detailed attention.

### 3. EFFECTS OF THE CHURCH PROPERTIES ACT ON UMLAZI MISSION

After the passing of the Church Properties Act in 1910 the Acting Secretary for Natives Affairs sent a minute to the Magistrate at Pinetown requesting him to call up the residents of the Umlazi Mission Reserve and explain to them the changes which the Act had caused.<sup>204</sup> The Act had the effect of transferring to the Church of the Province of South Africa the control of religious and educational work on the Umlazi Mission Reserve.<sup>205</sup> This body therefore took the place of the missionary body (Church of England) mentioned in the Deed of Grant of the said Reserve.<sup>206</sup>

As a result of the passing of the Church Properties Act there was ill-feeling and tension between the followers of the Church of England and those of the Church of the Province of South Africa. Three reasons were put forward by members of the Church of England for opposing the Church of the Province of South Africa. These were:

1. The Church of England in Natal was a church professing and teaching the

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<sup>204</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA 473/1910.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

doctrines and faith of the Protestant Reformed Religion.

2. The Church of the Province of South Africa, was not a Church teaching or professing to teach the Protestant Reformed religion but was a Catholic Church.
3. The Church of the Province of South Africa, was founded by people who seceded from the Church of England in about 1870.<sup>207</sup>

This issue raised controversy among people of Umlazi Mission and brought problems for Rev E.W. Shennan the missionary then in charge of Umlazi Mission Station. On his appointment Rev. Shennan was to work on the Mission Reserve and Glebe but at first he would confine his attention to the latter.<sup>208</sup> On arrival he found two Black catechist missionaries, John Ndlovu and Adam Mvuyana.<sup>209</sup> These being servants of the Church of England refused to accept Rev. Shennan as their Minister for the reasons stated above.<sup>210</sup> In view of this situation, in which Rev. Shennan accused the two catechists of stirring up strife in the Mission, Rev. Shennan recommended that they be evicted from the Reserve.<sup>211</sup>

Matters came to a head when Ndlovu and Mvuyana sent a petition to the Secretary of Native Affairs complaining that they had been placed under a missionary who was not of the Church of England.<sup>212</sup> It was reported that the congregations of the

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<sup>207</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA NO 473/1910.

<sup>208</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA NO 4668/1910.

<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

<sup>211</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA File NO 16 468/1910.

<sup>212</sup> Ibid.

petitioners numbered 350 to 400.<sup>213</sup> Miss H.E. Colenso supported the black catechists and pointed out that the adherents of the Church of England were placed in a dilemma; they must either let their children be taught the false doctrines of the other body or keep them away from school.<sup>214</sup> She maintained that, as the people were yearly tenants, they were entitled to a year's notice and that during the period of notice, they were entitled to carry on their own services.<sup>215</sup>

In reply, the Secretary for Native Affairs explained that no such notice would be granted and that the prosecution of religious or educational work was prohibited by the Mission Reserves Act, and that it was therefore a matter for the Church of Province of South Africa to deal with.<sup>216</sup> Explaining the legal aspects of the matter the Secretary, Natal Native Trust, pointed out that the Government had obtained legal advice to the effect that the Church of England mentioned in the Schedule to Act No 49, 1903, must be deemed to be the Church of the Province of South Africa mentioned in Act No 9 of 1910.<sup>217</sup>

This latter body was thus entitled to the exclusive privileges mentioned in Section 6 of Act 49 of 1903.<sup>218</sup> The position now was that rights of occupation of the land were protected so long as lawful occupiers complied with the laws and regulations framed there under and did not usurp the privileges of the Church of the Province of South Africa.<sup>219</sup> This gave the Natal Native Trust discretionary powers to enforce the provisions of Section 11 of Act No 49 of 1903 as to the exclusion of persons who

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<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> Natal Archives, Pietermaritzburg Colonial Office, SNA File NO 473/1910.

<sup>219</sup> Ibid.

trench on those privileges.<sup>220</sup>

The black petitioners therefore failed to receive legal backing to support their case and to remain in the Mission Reserve where they had to worship under the Church of the Province of South Africa. Nonetheless, in conclusion the Secretary expressed his hope for reconciliation when he said:

It is hoped, however, that means will be found whereby the difficulties which at present divided those who, after all, are working with the same object, and in common cause, may be amicably settled.<sup>221</sup>

#### 4. THE FOUNDING OF A NEW SCHOOL

An important achievement made by Rev. Shennan during his term of office was to recommend the building of a new school for the black residents of Umlazi Mission Station. A school site was applied for on the Mission Reserve and this move was supported by the Superintendent of Education and the assistant Inspector, Mr Gebers.

Mr Gebers in motivating the application pointed out that at that time (early in 1911) there were 420 huts on Umlazi Mission Reserve and only one little school. He explained that Rev. Shennan was anxious to work up the school and conduct it according to the regulations of the Department of Education. Accordingly Mr Shennan, Mr May, the Head Teacher of the new school (ie. the existing school) and Mr Gebers chose a spot near the existing Church building, about a mile and a half from the Mission House. They found this site to be the most suitable for the school and was fairly central for the southern half of the Reserve. A school house, playground and garden was proposed on the new site. Mr Shennan planned to erect

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<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

a wood and iron building of a superior nature to accommodate 120 children.<sup>222</sup>

Initially Rev. Shennan had applied for six acres. However, after some lengthy negotiation between the officials involved Rev. Shennan was granted five acres. The reason for this drop was that the authority given for leasing sites to the Education Department limited the area to five acres.<sup>223</sup>

Accordingly Rev. Shennan was permitted to occupy a site of five acres at a rental of one shilling per acre per annum. This was done as a temporary arrangement pending a decision regarding the tenure of such sites throughout the Union.<sup>224</sup>

## 5. APPLICATIONS TO SETTLE AT UMLAZI MISSION

In spite of the dispute discussed in the preceding section, which adversely affected progress at Umlazi to some extent, the Mission Station and the Reserve continued to grow. It attracted a number of inhabitants from neighbouring parts of the Mission Station. Among applicants who were interested to settle on the Umlazi Mission Reserve were Indians whose interest in that area seem to have started during the early years of Union. On 14 March 1911, the Durban General Agency, Natal, wrote to the Secretary of Natal Native Trust, Pietermaritzburg, trying to find out if part of the Mission Reserve could be let to Indian tenants.<sup>225</sup> It is clear, however, that at that time the idea of letting Indians on the Mission Reserve was not entertained by the Government since the Secretary, in his reply, stated explicitly that:

No portion of the Umlazi Mission reserve is available for

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<sup>222</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC Vol 6/1911.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

<sup>225</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC Vol 6/1911. Letters Received: Durban General Agency, Natal - Secretary, Natal Native Trust, Pietermaritzburg, 14 March, 1911.

Indian Tenants.<sup>226</sup>

Interest in Umlazi Mission lands was also partly inspired by the fact that much of the land was not being used by the church. At the end of March 1915, the Chief Native Commissioner in Pietermaritzburg, received an application from W.G. Lowe, an Accountant, Auditor and Conveyancer in Pietermaritzburg.<sup>227</sup> Mr Lowe wished to lease a portion of Umlazi Mission Reserve land at the mouth of Umlazi River near Isipingo (see rough plan that he attached to his application).<sup>228</sup> He desired to take up at once 200 acres of land with the option of taking up an additional 100 or 200 acres each succeeding year for a period of three years.<sup>229</sup> Lowe wished to obtain a lease for seven or ten years which, however, could be terminated at any time since the property was a Mission Reserve.<sup>230</sup> Mr Lowe suggested, however, that should the property be needed for Church purposes he could be given a twelve month notice.<sup>231</sup> This portion of the Mission Reserve was bushy and would require clearing for at least the first year or two. In his letter Mr Lowe's last words clearly indicate that it was because the land was vacant that he was attracted to apply for it. He said:

I would suggest to you that as the land is not apparently needed for Church purposes just at present a period of beneficial occupation such as I now propose is one that your Department may be disposed to favorably consider.<sup>232</sup>

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<sup>226</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC Vol 6/1911, Letters Received: Secretary Natal Native Trust, Pietermaritzburg - Durban General Agency, Natal, 25 March, 1911.

<sup>227</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC 203/1915/387, Letters Received: W.G. Lowe - Chief Native Commissioner, Pietermaritzburg, 31 March, 1911.

<sup>228</sup> Ibid.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Ibid.

<sup>232</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO 203/1915/387, Letters Received, W.G. Lowe - Chief Native Commissioner PM Burg, 30 March 1915.

However, Mr Lowe's application was not favourably considered. The Chief Native Commissioner could not grant the application because of the provisions of Act No 1 of 1912.<sup>233</sup> As has been indicated according to this Act, Mission Reserve lands were now under the jurisdiction of the Minister of Native Affairs and could not be transferred to any individual or company without parliamentary approval.

## 6. THE BOUNDARY PROBLEM

Another development that took place at Umlazi at this time was the re-survey and adjustment of boundaries which included fixing boundaries between Umlazi Mission Glebe and Umlazi Mission Reserve. This was done mainly because there was then no clear line of demarcation between the two areas (though they were both under the jurisdiction of the Anglican Church).

Consequently it was estimated in 1913 that the encroachment by the Glebe on the Reserve amounted to one hundred acres.<sup>234</sup> The Surveyor, Mr Frank A. Middleton, reported to the Chief Native Commissioner, Pietermaritzburg, upon completion of the job that he found it a most difficult and a tedious one on account of the conflicting data and the difficulties to contend with in the field. Not a single boundary out of seven was known to anyone. The result was that cane fields, banana plantations and gardens had been cultivated and buildings erected, regardless of boundaries.<sup>235</sup> Eventually the Surveyor gave notice to certain tenants on land which had hitherto been regarded as Glebe, but which on survey was found to be part of the Umlazi

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<sup>233</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File No 203/1915/387, Letters Received, Chief Native Commissioner Pietermaritzburg, 30 March 1915.

<sup>234</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File No 99/1912, Report by F.A Middleton, to Chief Native Commissioner, Pietermaritzburg.

<sup>235</sup> Ibid.

Mission Reserve.<sup>236</sup> These tenants were told to vacate such land.

Boundary disputes also took place between the tribes or sections of tribes living at Umlazi Location and Umlazi Mission Reserve. The notable one was between the AmaCele and AmaNyuswa in 1913.<sup>237</sup> Chief Mukhwantshi of the Nyuswa tribe had established at least forty huts in the Mission Reserve. Consequently Rev. Shennan appealed to the Chief Native Commissioner to settle the matter. Chief Mukhwantshi had felt that a boundary line should be made in the Mission Reserve between his tribe and the rival group. However, in settling the dispute the Chief Native Commissioner explained that under Mission Reserve regulations land matters were excluded from the jurisdiction of chiefs being vested in the officers of the Department, there was no necessity to define a boundary between them.<sup>238</sup> Besides the matter was further complicated by that the tribes themselves under their chiefs were intermingled and no line of demarcation was possible between them.<sup>239</sup>

The boundary problem took another turn in 1914 when an application to alter the northern boundary of the Mission Reserve was launched. The Umlazi River had for years been recognized as the northern boundary of the Umlazi Mission Reserve.

In 1914 W.E. Galliers, Government Surveyor, made an application in which he requested for an alteration of the northern boundary which would involve the transfer of some area (Lot A - Dunn's Grant) to the Clairmont Estate, Durban County and the other area marked A to Umlazi Mission Reserve.<sup>240</sup> This was suggested because

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<sup>236</sup> Ibid.

<sup>237</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File No 147/1914.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid.

<sup>240</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File No 1915/387, Letters Received: Chief Inspector of Locations and Mission Reserves - Chief Native Commissioner, Natal, 18 December, 1914.

the Umlazi River would change its course during floods but leave some space during normal times.<sup>241</sup>

After considering the matter the suggestion made by Galliers was declined by the officials concerned with the administration of Mission Reserves. The Chief Inspector of Locations and Mission Reserves saw the land in question as of little value since it was created only when the river was in flood. For this reason he strongly recommended that the suggested alteration be opposed by the Department.<sup>242</sup>

The Chief Native Commissioner pointed out that in the Deed of Grant of the Umlazi Mission Reserve it was distinctly stated that the Umlazi River was the northern boundary of the Mission Reserve and that he was not authorised to make any alteration.<sup>243</sup> Apart from this, however, no alteration of the boundaries of a Reserve of that description could be effected without a Special Act of Parliament.<sup>244</sup> The Survey Department also refused to pass the diagram until the consent of the owners of the Reserve had been obtained.<sup>245</sup>

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<sup>241</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 1915/387, Letters Received: W.E. Galliers - Chief Native Commissioner, Natal, 14 October, 1914.

<sup>242</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 1915/387, Letters Received: Chief Inspector of Locations and Mission Reserves - Chief Native Commissioner, Natal, 18 December, 1914.

<sup>243</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 1915/387, Minutes of Chief Native Commissioner, Natal, 19 December, 1914.

<sup>244</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 1915/387, Letters Received: Secretary for Native Affairs - Chief Native Commissioner, Natal, 23 December, 1914.

<sup>245</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 1915/387 Minutes of Chief Native Commissioner, Natal, 19 December, 1914.

## 7. INDIAN TENANTS AT UMLAZI MISSION

The efforts to resist Indian settlement on Umlazi Mission Reserve did not last long. R. Tomlinson, Secretary of the Anglican Church Trust Board, reported in March 1914 that eight Indians occupied a portion of the land hitherto regarded as part of the Umlazi Glebe, but which in consequence of the re-survey, appeared to fall within the Mission Reserve.<sup>246</sup>

On 25 September 1916, F.N. Stevens supplied the following list of Indians who were still resident at Umlazi Mission Reserve:

- B. Naidoo 6 acres @ 20/- for 3 years,
- Gokul 6 acres @ 20/- for 3 years,
- Jankey 5 acres @ 20/- for 2 years,
- Ramcheren 2 1/2 acres @ 20/- for 3 years,
- Jeykerin 2 acres @ 20/- for 2 years,
- Mahangu 1 1/2 acres 20/- for 3 years,
- Ganga 1 acre @ 20/- for 4 years,
- Viyey 1 acre @ 20/- for 3 years and
- Duki 1 acre @ 20/- for 1 year.<sup>247</sup>

As indicated above these tenants paid an annual rental of one pound per acre for the land occupied by them on condition that they were subject to twelve months notice.<sup>248</sup> The exception was Mr B. Naidoo, who held a lease of a piece of land

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<sup>246</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO 2343/1912 Letters Received: R. Tomlinson Esq, Chief Native Commissioner, Natal, 4 March, 1914.

<sup>247</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO 2343/1912, Letters Received: F.N. Stevens - Chief Inspector of Locations, Natal, 25 September, 1916.

<sup>248</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 2343/1912, Letters Received: R. Tomlinson Esq - Chief Native Commissioner, Natal, 4 March, 1914.

which was 16 1/2 acres in extent for a period of five years from 1 August 1911.<sup>249</sup> After the re-survey it was found that he occupied about six acres of the Reserve land. The Indians were given notice to quit the Mission land after the expiry of their term of lease.<sup>250</sup>

Umlazi Mission Reserve reached a new stage in its development when the Blacks were encouraged in 1917, to grow sugar cane. Rev. C.H. Chater, then priest-in-charge of Umlazi Mission Station, sought the approval of the Chief Native Commissioner, Pietermaritzburg. In the letter directed to the Native Commissioner, he stated that the Anglican Church Trust Board who managed Glebe lands were sympathetic and willing to let him have the use of a few acres adjoining the Reserve to work in with the Blacks in the scheme.<sup>251</sup>

He said:

This may lead in time to placing of Natives on Glebe lands instead of the present Indian tenants and it will also have the general effect of giving the Native men work at their homes, which will be beneficial to the community.<sup>252</sup>

This letter shows that despite the proclamation that they would be given notice to quit, Indian tenants were still in the Glebe lands. It also explained the priest's desire to help the Blacks to become a self-sufficient agricultural community. Rev. Chater's letter also reveals another development that had taken place in the neighbourhood - the creation of Reunion Estate Sugar Mill, the Manager of which, he pointed out, was ready to co-operate in the proposed scheme.<sup>253</sup>

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<sup>249</sup> Ibid.

<sup>250</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 2343/1912 Minutes of Chief Native Commissioner, Natal, 12 March, 1914.

<sup>251</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 310/1917.

<sup>252</sup> Ibid.

<sup>253</sup> Ibid.

The presence of Whites in the neighbourhood of Umlazi, the privilege granted to Indians to lease parts of the Mission and the setting up of a sugar mill at Reunion, were all symptoms that areas around Umlazi Mission were becoming urban and multi-racial in character.

The Indian tenants did not remain on Umlazi Mission for long. In 1920 Rev. Chater was succeeded by Rev. Francis Magwaza. During the term of office (which ended in 1924 when ill-health forced him to retire) Rev. Magwaza succeeded to put pressure on Indian tenants to leave the Mission Glebe. The Glebe lands became open to those black Anglicans who had been living in the backyards of their employers in Durban.<sup>254</sup>

Since that time Indians were settled on their own land stretching from Reunion to the Umbogintwini River.<sup>255</sup> Between them and the Mission Reserve there was a fixed boundary and there was never any encroaching by one group into the land of the other group.<sup>256</sup> Dr. Nzimande explained that relations between Indians and the residents of Umlazi Mission have in the main been very cordial.<sup>257</sup>

## 8. THE HUT RENT ISSUE

Apart from theological differences and interference by external elements, some problems at Umlazi Mission Station were created by Blacks themselves. Lack of co-operation by some Blacks on the Reserve to pay their hut rents as required, resulted in difficulties. In 1919 a dispute arose when three Blacks, namely, Mbangi Dwala, Litsha Khumalo, and Nkani Ndaba, refused to pay their hut rents. There were also Nqakamatshe Kwela, Mtshwaza Makhanya, Bhayi Gcaba of Amanzimtoti Mission Reserve.

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<sup>254</sup> A.M. Nzimande : Umlazi Township, 13 April, 1987.

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

<sup>257</sup> Ibid.

Mr Roach, Acting Inspector of Locations, then proposed that these Blacks be forcibly ejected from the Reserve because they constituted a very bad example to other Reserve residents particularly the rent defaulters. He was firmly convinced that the forcible ejection of these people would have the most beneficial effect on the situation generally and would be a very great improvement in the rent collections.<sup>258</sup>

As he stated:

Once Natives saw that the Department meant business and would not tolerate any defiance of constituted authority they would pay up with little or no trouble.<sup>259</sup>

Consequently the case of the three Blacks was referred to Court. The Court ordered them to leave on 30 June 1917. But the defaulters made no attempt to move. The Court Messenger did make an attempt to execute the writ of ejection during August 1917 but failed.<sup>260</sup>

On 9 September 1919 the Chief Inspector of Locations appealed that the three men should be forcibly ejected from their Reserves with the support of the Magistrate and the Police under him. Failing to use force would mean a steadily diminishing revenue. He wrote:

It is unfair to us, to the Missionary body, and to those Natives who are loyally meeting their obligations that the present state of affairs should be allowed to continue, and I respectfully request that the most stringent measures open to us be taken to secure full and complete observance of the Order of the Court.<sup>261</sup>

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<sup>258</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO. 18822038/1918/328, Letters Received : Mr Roach - Chief Native Commissioner, Natal, 6 September, 1919.

<sup>259</sup> Ibid.

<sup>260</sup> Ibid.

<sup>261</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO 18822038/1918/328, Letters Received : Chief Inspector of Locations - Chief Native Commissioner, Natal, 9 September, 1919.

Accordingly Chief Magistrate Kirkman warned them to quit the Reserve. (However, Willie Khumalo had been exempted from Hut Tax on 21 August of the previous year by the Chief Native Commissioner Pietermaritzburg).

Because the three men were adamant to obey authority, on 5 November 1919 the matter was referred by solicitor Harold J. Stuart, to Chief Native Commissioner, Pietermaritzburg, who suggested that it was apparent that the Department was being treated with utter contempt by some of the Blacks. Therefore permission should be granted to either burn or destroy those huts from which Blacks had refused to budge after having the writ of ejectment served on them, otherwise great difficulty would be experienced in collecting rents from Blacks in the future.<sup>262</sup>

The Chief Native Commissioner, however, had no power to destroy the huts of Blacks. All he succeeded to do was to remove all their gear and lock their doors. After leaving the Blacks returned to their kraals and took up their abode again.

This rent dispute was eventually solved when stringent measures were taken against the rent defaulters. They were taken to jail and sentences ranging from a fine to a prison sentence were imposed upon them. This punitive measure was a victory to the authorities who had succeeded to prove a point to the black tenants. The Chief Inspector of Locations wrote to the Inspector of Locations at Isipingo to congratulate him on the work done as follows:

The measures you are adopting to secure due observance of the ejectment orders are to be commended, and I shall be glad if you will continue pursuing your present policy until we have secured our rights .... No stone is to be left unturned in having this matter finally disposed of in terms of the Order of the Court.<sup>263</sup>

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<sup>262</sup> Ibid.

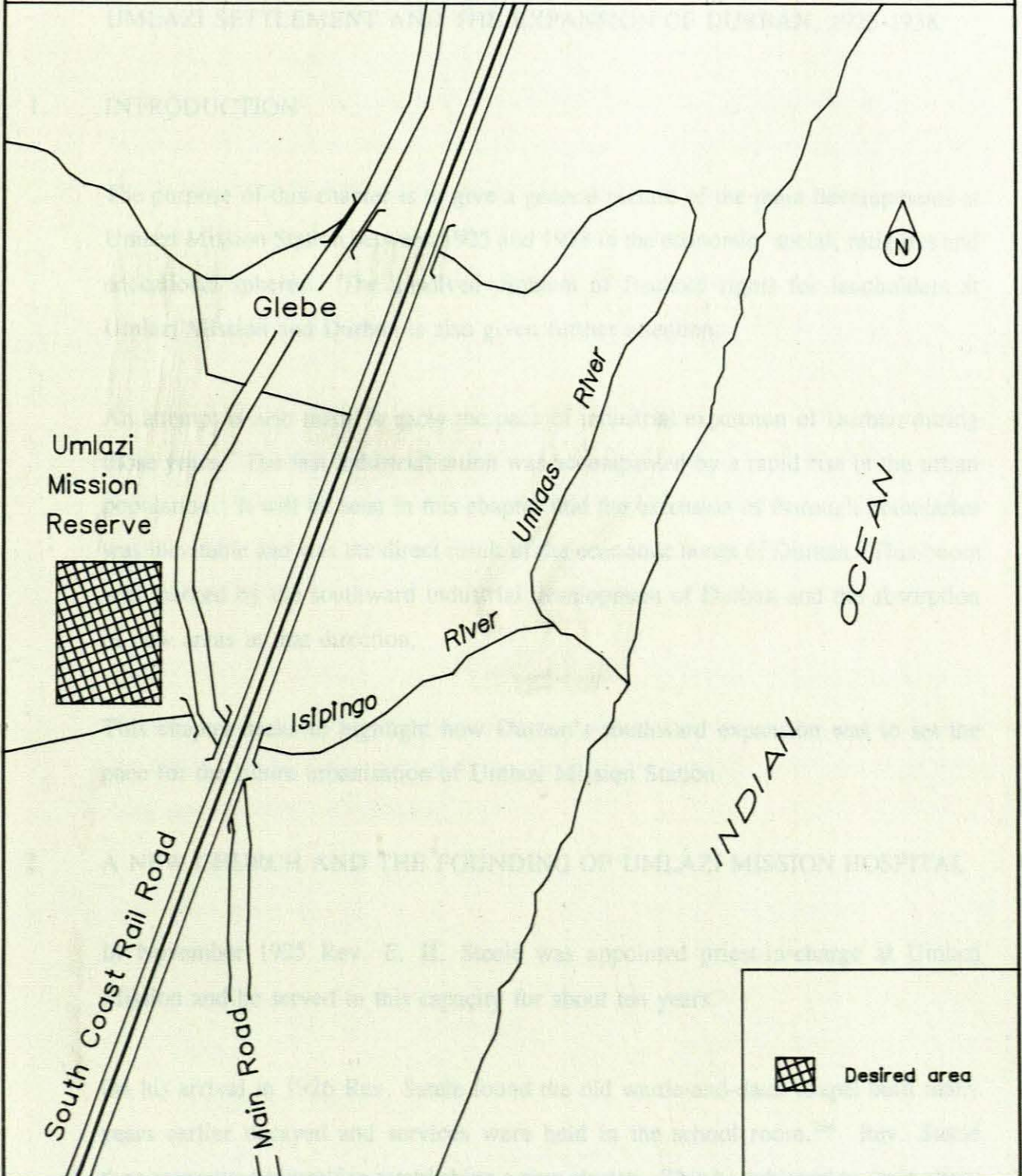
<sup>263</sup> Natal Archives, Pietermaritzburg Colonial Office, CNC File NO 18822038/1918/328, Letters Received : Chief Inspector of Locations, Natal, - Inspector of Locations, Isipingo, 28 April, 1920.

## 9. CONCLUSION

In sum, land was the nucleus around which most disputes took place at Umlazi Mission. The events given in this chapter reflect the degree of interest displayed by Indians and Whites in the Mission. This land hunger not only resulted in disputes at the time under focus, but also seems to have laid the foundation for new interest in the future development of Umlazi Mission. This interest remained for some time. In spite of the success made by Rev. Magwaza to eventually remove Indians from the Glebe land, the use of the Mission lands by the Indians seems to have set a precedent for the future.

The Indians' interest in the Mission Glebe together with other developments described above, seem to point at the fact that the nearness of the Mission Station to Isipingo and the newly developed industrial areas was making the Mission attractive to outsiders. To some extent this chapter also shows how the Anglican Church authorities were first tempted to yield to the pressure of giving away the Mission lands, by lease, to other people at the expense of the Blacks for whom the Mission station was meant.

Fig. 3 Location of desired area within Umlazi Mission Reserve



Source: Natal Archives , Pietermaritzburg CNC File No. 310/1917. Drawn in The Dept. of Geography, 3/1993.

## CHAPTER 4

## UMLAZI SETTLEMENT AND THE EXPANSION OF DURBAN, 1925-1938

## 1. INTRODUCTION

The purpose of this chapter is to give a general picture of the main developments at Umlazi Mission Station between 1925 and 1938 in the economic, social, religious and educational spheres. The unsolved problem of freehold rights for landholders at Umlazi Mission and Durban is also given further attention.

An attempt is also made to show the pace of industrial expansion of Durban during those years. The fast industrialisation was accompanied by a rapid rise in the urban population. It will be seen in this chapter that the extension of Borough boundaries was inevitable and was the direct result of the economic boom of Durban. This boom was marked by the southward industrial development of Durban and the absorption of new areas in that direction.

This chapter seeks to highlight how Durban's southward expansion was to set the pace for the future urbanisation of Umlazi Mission Station.

## 2. A NEW CHURCH AND THE FOUNDING OF UMLAZI MISSION HOSPITAL

In November 1925 Rev. E. H. Steele was appointed priest-in-charge at Umlazi Mission and he served in this capacity for about ten years.

On his arrival in 1926 Rev. Steele found the old wattle-and-daub chapel built many years earlier decayed and services were held in the school room.<sup>264</sup> Rev. Steele then committed himself in establishing a new church. This he achieved to do in about two years time. Thus by 1928, the people of the Diocese offered their thanks to God

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<sup>264</sup>B. Burnett: The Anglicans in Natal, p. 152.

for the fine new church that had been built with the assistance from the Anglican Trust Board.<sup>265</sup> On the day of the dedication of the church 114 Blacks were presented for confirmation.<sup>266</sup>

Another important development for the people of Umlazi Mission during Rev. Steele's term of office was the establishment of a clinic-cum-hospital in 1927. Mrs Steele who was a St. John's nurse started in her kitchen what was to become Umlazi Mission Hospital.<sup>267</sup> Here she attended to minor ailments and dispensed medicines.<sup>268</sup> However, this soon proved to be too small to meet the demands of the patients.

In order to provide more adequate facilities the mission people with the help of a carpenter engaged to knock up two wood iron buildings. The first of these was to house patients and the second became the house of a qualified black nurse, Miss Gladys Khumalo.<sup>269</sup> Miss Khumalo was praised as a highly intelligent and passionate nurse.<sup>270</sup>

By the end of 1927 there had been 50 in-patients and 600 out-patients treated at the mission.<sup>271</sup> In 1935 this hospital which was near the mission house was moved to the Glebe. Its first matron was Miss Mallaindaine who had been matron at Kwa-Magwaza Hospital in Zululand.<sup>272</sup>

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<sup>265</sup> Ibid.

<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Ibid.

<sup>269</sup> Ibid.

<sup>270</sup> Ilanga Lase Natali, 4 November, 1927, p. 2, (Ezase Mlazi Mission Reserve).

<sup>271</sup> Burnett: The Anglicans....p. 152.

<sup>272</sup> A. M. Nzimande: Umlazi Township, 10 April, 1987.

By 1936 a further development had also taken place. The hospital which Blacks called "Isibhedlela Sabantu", which means "People's Hospital", had been elevated to become a training hospital. More black nurses enrolled for training and there were also many white nurses who worked in the hospital.<sup>273</sup>

In 1943 a further development was made when a new orthopaedic ward for crippled black children was opened at the hospital by Mr D. L. Smit, Secretary for Native Affairs.<sup>274</sup>

Umlazi Hospital has rendered very useful service through the years.<sup>275</sup> Even the community of Lamontville used to be served by the hospital. Black women had to walk a long distance, from Lamontville, with small children to Umlazi Mission Hospital for treatment.<sup>276</sup> It was for this reason that in 1936, a request was made, through the Lamont Native Location Advisory Board, for officials of the hospital to visit Lamont Location once a week to attend to patients.<sup>277</sup> Arrangements were made by the Superintendent of Umlazi Hospital to meet with this request.<sup>278</sup>

### 3. EDUCATION AND AGRICULTURE ON THE MISSION STATION

In the educational field Umlazi Mission School which was begun by Rev. Shennan in 1910 was still the only school serving the community of the mission station. By

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<sup>273</sup> Ilanga Lase Natali, 15 February, 1936, p. 3, (Ezase Mlazi Mission Reserve).

<sup>274</sup> The Daily News, 16 November, 1943, p. 3, (Umlazi Mission Hospital).

<sup>275</sup> A. M. Nzimande, Umlazi Township, 10 April, 1987.

<sup>276</sup> Minutes of the Lamont Native Location Advisory Board, 15 September, 1936.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

1927 this school was overcrowded.<sup>279</sup> Consequently an intermediate school was built.

At first the intermediate school started with a handful of pupils. It was, however, a step forward since students who had passed Standard Six there could proceed and go to a teacher training college.<sup>280</sup>

Between 1924 and 1935 Mr A. H. Zulu (later Bishop Zulu) served as a headmaster first of the primary section of the school. After two years, he was made head of the intermediate section and in this capacity he served for ten years.<sup>281</sup> Dr Nzimande has pointed out that Mr Zulu was a singularly gifted and versatile type of man who, in addition to his highly successful work at the school, identified himself with the community in all its endeavours at self-improvement in the agricultural, social and religious affairs.<sup>282</sup>

By 1936 most black people on the mission station were civilized and valued the western type of dress.<sup>283</sup> A few had studied farming and most of the educated then were teachers.<sup>284</sup> Some were furthering their education by private study.<sup>285</sup>

However, life at Umlazi Mission Station remained rural. Dr Nzimande has pointed out that the mission station consisted mainly of rich agricultural land which, if worked scientifically, could guarantee the people a comfortable living.<sup>286</sup> The proximity

<sup>279</sup> Ilanga Lase Natali, 4 November, 1927, p. 2. (Ezase Mlazi Mission Reserve).

<sup>280</sup> Ibid.

<sup>281</sup> A. M. Nzimande: Umlazi Township, 10 April, 1987.

<sup>282</sup> Ibid.

<sup>283</sup> Ilanga Lase Natali, 15 February, 1936, p. 3. (Ezase Umlazi Mission).

<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

<sup>286</sup> A. M Nzimande: Umlazi Township, 10 April, 1987.

of Durban, however, offered opportunities of employment for some people who lived on the mission.

In due course the mission station and the Reserve became a reservoir of labour for the city of Durban.<sup>287</sup> The women-folk of the working men cultivated the land to grow such crops as mielies, beans, sweet potatoes, amadumbe etc. for their own consumption.<sup>288</sup> A few families on the mission grew sugar cane as well and made this the chief source of their income.<sup>289</sup> Stock-farming was also practised. At one stage some of the residents of Lamontville Location who could not obtain milk from town obtained their supplies from stock owned by Blacks in the Umlazi Mission Reserve.<sup>290</sup>

From the account given above it may be said that the black people of Umlazi Mission were showing signs of being a progressive mission community. Though they were a predominantly farming community who valued agriculture and stock-farming, they were at the same time being gradually influenced by urban life and standards. In due course they became concerned that they had no legal titles to land which could guarantee them permanent ownership of the land. This problem they shared with people from other Mission Reserves.

#### 4. THE QUESTION OF FREEHOLD RIGHTS AT UMLAZI MISSION RESERVE

By the end of 1926 black residents in Mission Reserves had formed the Mission Reserve Central Committee in which committees of all Mission Reserves were

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<sup>287</sup> Ibid.

<sup>288</sup> Ibid.

<sup>289</sup> Ibid.

<sup>290</sup> Report of City Medical Officer of Health, 7 April, 1938, (Minutes of Locations Advisory Board, 1936-1937).

presented.<sup>291</sup> Its offices were in Queen Street, Durban. The Mission Reserve Central Committee had begun to hold regular conferences with the Commissioner of Native Affairs in which they discussed matters that affected Mission Reserves.<sup>292</sup> Among other things discussed was to urge the Government to survey the Mission Reserves into freeholds. The people of Umlazi Mission Reserve in particular were perturbed by the expropriation of people's lands near Umlazi.<sup>293</sup> Consequently because of this fear of insecurity, the question of granting freehold rights to people of Umlazi Mission became a matter of topical importance.

In a meeting of September 5 and 6 (1927) in which delegates of Mission Reserves attended, this matter became the main discussion in the agenda.<sup>294</sup> This meeting had been convened by the Department of Native Affairs and it was held at the Depot Road Location.<sup>295</sup>

The Chairman was the Native Commissioner of Natal, Mr C. A. Wheelright (popularly called uDambuza by the Blacks).<sup>296</sup> Also in attendance was Major Herbst of the Department of Native Affairs, Pretoria. Present also were Magistrates, Inspectors of Locations and Reserves, Priests of the American Board and Priests of other denominations and delegates.<sup>297</sup> Such meetings, Mr Herbst explained, were encouraged by Pretoria in order to create a forum where the views of Blacks could

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<sup>291</sup> Ilanga Lase Natali, 14 January, 1927, p. 2, (Umbiko Womhlangano Wama Mission Reserve).

<sup>292</sup> Ibid.

<sup>293</sup> Ilanga Lase Natali, 4 November, 1927 p. 2, (Ezase Mlazi Mission Reserve).

<sup>294</sup> Ilanga Lase Natali, 9 September, 1927, p. 7, (Umhlangano WamaMission Reserve).

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

be heard.<sup>298</sup>

Speaking on behalf of Mission Reserves about freehold rights, Dr Taylor, Priest of the American Board, appealed that Blacks should be given land on freehold.<sup>299</sup> He pointed out that if the Government failed to meet this request, then it had the responsibility to call a meeting of the Blacks so as to make it clear as to how a resident could secure a plot for himself and his future generation.<sup>300</sup> In reply Mr Herbst pointed out explicitly that this subject could no longer be discussed since the Government had resolved not to grant freeholds on such lands.<sup>301</sup> Nevertheless he made some promise to the effect that the matter would be investigated and if the scheme was carried out the people would have to pay their survey fees.<sup>302</sup> The Blacks were happy at this meeting because they enjoyed the full support of white priests.<sup>303</sup>

This meeting had been preceded in June of that year (1927) by a meeting of the delegates who represented Mission Reserves under the American Board Mission.<sup>304</sup> It was held at Zihlabathini Church in Durban. Among other things the issue of freehold right was discussed and the people expressed their fear of insecurity that their land might be sold to white immigrants.<sup>305</sup> Inanda Mission Reserve residents (also of the American Board Mission) also demanded that their title for the land should bear the names of all the tenants of the Mission Reserve and the name of the

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<sup>298</sup> Ibid.

<sup>299</sup> Ibid., p. 2.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid., p. 7.

<sup>302</sup> Ibid.

<sup>303</sup> Ibid.

<sup>304</sup> Ilanga Lase Natali, 1 July, 1927, p. 2, (Umhlangano Wama Mission Reserve eTekwini).

<sup>305</sup> Ibid.

Chief who was in office when the land was granted to them.<sup>306</sup>

April 12, 1933 became a memorable day for the people who lived on the twelve Mission Reserves of the American Board.<sup>307</sup> On this day the Government granted these Reserves freehold rights after some had been deprived these rights since the era of the early missionaries such as Rev. Grout.<sup>308</sup>

Present in that conference were Major Herbst, Mr Young, Chief Native Commissioner of Natal, Priests of the American Board including Dr Taylor and other observers.<sup>309</sup> The Government complied with the request of the priests and the people that the twelve Mission Reserves of the American Board be surveyed and that people be given freehold titles for their land.<sup>310</sup> Since that date the Mission Reserves of the American Board were administered by Councils and then paid rates instead of rent for an allotment of thirteen acres that was prescribed for each individual.<sup>311</sup>

It should be noted that this important development only affected Mission Reserves of the American Board and not other denominations. Though the desire to have freehold rights was a general aspiration of people of all Reserves, the Government seems to have been inconsistent in its attitude. Even though delegates from Mission Reserves of the Anglican and Lutheran churches were present in the conference, they were mere observers and did not vote.<sup>312</sup>

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<sup>306</sup> Ibid.

<sup>307</sup> Ilanga Lase Natali, 21 April, 1933, p. 9, (Udaba Lwa Ma Reserve ... Avunyiwe AmaFreehold).

<sup>308</sup> Ibid.

<sup>309</sup> Ibid.

<sup>310</sup> Ibid.

<sup>311</sup> Ibid.

<sup>312</sup> Ibid.

On the basis of this account it may be concluded that the request of Umlazi Mission people to have freehold rights, was not given any serious attention. It is noticeable too that the priests of the Anglican Church were lukewarm and did nothing to safeguard the interests of their people in as far as land-rights were concerned. The priests of the American Board on the other hand successfully clamoured for the rights of their people. Such lack of concern from the Anglican Church is not surprising when one considers that by 1929 they had started to negotiate with the authorities of Durban to sell part of Umlazi Mission lands, a move that was the direct opposite of the aspirations of the black residents of Umlazi Mission.

#### 5. THE EXPANSION OF DURBAN AND ITS IMPACT ON THE LAND SHORTAGE

Durban, which started as a small British settlement in 1824 at the Bay of Natal, became a township in 1835 and was accorded Borough or Municipal status in 1854.<sup>313</sup> The boundaries of the Borough of Durban as defined by Proclamation of 1854 were as follows:

East - by the Indian Ocean.

North - by the Umngeni River.

North-west - by the farms Springfield, Brickfield and Cato Manor.

South and South-east - by the Umbilo River and the Bay of Natal.<sup>314</sup> The included area was 7165 acres.

In 1854 Durban was still thinly populated. At the first official census of 1862 there were only 2,567 Whites, 1593 Blacks and 153 Indians with no Coloured race.<sup>315</sup> After Union, however, this position had changed radically and the population of the Borough had increased phenomenally. This was largely due to the economy of

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<sup>313</sup> G. Maasdorp and A.S.B. Humphreys (Eds): From Shantytown to Township, p. 7.

<sup>314</sup> Mayors Minute, 1931, p. 2.

<sup>315</sup> Mayors Minute, 1936, p. 8.

Durban which was becoming diversified. Durban became an important industrial growth point and attracted large numbers of people from all sections of the population most of whom had lived on farms and reserves.

The increase in the number of Blacks in big towns was largely due to the 1913 Native Land Act. The underlying principle of this Act (introduced in 1912 by J.W. Sauer, Minister of Native Affairs, as the Natives Land Bill) was that the bulk of the Blacks and white groups should live and acquire land in separate areas.<sup>316</sup> Thus the growth of a mixed rural population of land owners which had become a common scene in South Africa would have to be discouraged.<sup>317</sup>

The Land Act severely reduced land for Blacks. The areas reserved for Blacks constituted about 13 percent of the area of Union (the proportion was later slightly extended) and over three quarters of the population were hauled to a little more than one eighth of the land.<sup>318</sup>

These changes, however, did not directly affect mission lands or Mission Reserves since Section 8 paragraph (1) (h) of the Act stipulated as follows:

Nothing in this Act contained shall be construed as ....  
 applying to land held at the commencement of the Act by any  
 society carrying on, with the approval of the Governor  
 General, educational or missionary work amongst Natives  
 ....<sup>319</sup>

The Land Act of 1913 had a revolutionary effect on the economic and social life of Blacks. It squeezed the black farmers by preventing them from using land outside reserves. As a result the reserves became overcrowded. There was not enough land

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<sup>316</sup> C. M. Tatz: Shadow and Substance in South Africa, p. 17.

<sup>317</sup> Ibid.

<sup>318</sup> E. Brookes: Apartheid, A documentary study of modern South Africa, p. xxv.

<sup>319</sup> Statute of the Union of South Africa, Act NO. 27 of 1913 Section 8, paragraph 1 (h).

to support the people living there and there was more pressure on the men to become wage-earners.<sup>320</sup>

In Natal many Blacks who were landless, including those who found town life attractive, migrated to Durban to make a livelihood. Durban soon faced the problem of population explosion. In 1917 the Town Clerk of Durban reported about the dilemma facing the town which included such problems as shortage of land, housing, overcrowding, and exorbitant rents.<sup>321</sup> He then referred to the recommendations of the special committee of 1913. This committee had recommended that steps should be taken at an early date to secure to the Town Council permissive powers to incorporate within the Borough of Durban as from time feasible, all the lands lying adjacent to the existing Borough boundaries.<sup>322</sup> These could be extended as far as Bellair, Mayville, Sydenham, Greenwood Park, Red Hill, the Bluff and intervening lands, Sea View, New Brighton, South Coast Junction and any similar outlying districts.<sup>323</sup> (Study the map)

The Town Clerk saw the extension of the Borough boundaries as a question of paramount importance. More room would be created to build various infrastructural projects. Durban had a high economic potential. The rapid economic growth imposed many demands on the Town Council. One of the challenges was to house Blacks who, like other races, had come to serve the needs of industry and therefore had to be properly accommodated.

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<sup>320</sup> L. Callinicos: Gold and Workers 1886 - 1924, p. 29.

<sup>321</sup> Report of the Town Clerk to the Mayor and Councillors of the borough of Durban, 12 November, 1917, p. 2.

<sup>322</sup> Report of the Town Clerk to the Mayor and Councillors of the Borough of Durban, 12 November 1917. Chapter on: "Municipal Housing Schemes", p. 2.

<sup>323</sup> Ibid. Chapter on: "Extension of Borough Boundaries", p. 1 - 2.

## 6. HOUSING PROBLEMS FOR BLACKS IN DURBAN

In Durban industrial development which followed after the First World War was accompanied by a continuous stream of black migrants desiring to secure employment in the Borough.<sup>324</sup> Due to various social problems flowing from the urbanisation of Blacks throughout the Union, the Government decided to pass the Natives Urban Areas Act in 1923. This Act empowered local authorities to provide for urban black workers, three types of accommodation namely; hostels, locations and villages.<sup>325</sup> The cardinal feature of these types of accommodation was that the black man was only allowed to occupy them under conditions which guaranteed him no security.<sup>326</sup> The Blacks were regarded as temporary sojourners in the urban areas whose permanent interests lay elsewhere, namely, in the reserves or Locations.<sup>327</sup> The industrialists, influenced by the labour policy of the mines favoured migratory labour.<sup>328</sup>

Durban was no exception to this tendency. So even after the passing of the Natives Urban Areas Act of 1923, Durban authorities gave more consideration to single workers. Accordingly during the period 1923 - 37 the authorities were chiefly concerned with housing migrant workers in hostels and compounds.<sup>329</sup> In 1923 alone 46,000 Blacks were housed in such accommodation in Durban.<sup>330</sup>

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<sup>324</sup> L. Torr: "The History of Lamont, 1933 - 1973", History News, (Journal of the Natal History Teachers Association, Vol. 24 November, 1984), p. 59.

<sup>325</sup> Report of Proceedings, Natives Representative Council Special Session U.G. 34 - 46, p. 3.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid.

<sup>328</sup> Ibid.

<sup>329</sup> Maasdorp and Humphreys: From Shantytown . . . . p. 13.

<sup>330</sup> Ibid.

There was, however, a class of permanent town dwellers that had emerged but on the whole the black population was largely a floating one because of the proximity of the reserves.<sup>331</sup> There was thus little demand for family housing prior to the enlargement of the Municipal area, in 1932, by the incorporation of the "added areas".<sup>332</sup>

Accommodation for Blacks was to be funded from a Native Revenue Account. The Native Beer Act of 1908 had also created a Municipal beer monopoly, ;the funds of which accrued to the Native Administration Fund. The proceeds from these funds were to be spent on the realization of two objectives, namely, ;the administration and control of Blacks in Durban and the provision of housing and welfare facilities.<sup>333</sup>

Up to 1927 some 18 Municipalities had received monies from the Government aggregating 33,300 pounds and of this amount Durban had received a sum of 50,000 pounds from the Government.<sup>334</sup> This amount was the largest single advance loaned to any of the local authorities.<sup>335</sup> This money was used to establish Eastern Vlei location with 60 two-roomed cottages for married Blacks as well as the Depot Road Location and the Dalton Road Location for single males.<sup>336</sup>

These measures met the needs of the time to some extent. In 1929 the Mayor, Rev. A. Lamont, reported that the 120 houses at Eastern Vlei had proved very popular with the Blacks. Eastern Vlei at that time was the only fixed residential quarters for

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<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

<sup>333</sup> Torr: "The History of Lamont, 1933 - 1973" . . . . , p. 60.

<sup>334</sup> Mayors Minute, 1927, p. 274.

<sup>335</sup> Ibid.

<sup>336</sup> Natal Archives, Pietermaritzburg Colonial Office, Minutes of Durban City Council, Town Clerk File No. 6431 J 18 Vol. 1.

married Blacks and the number of houses had doubled.<sup>337</sup> The Mayor pointed out that it was essential that that feature of housing should be extended toward the establishment of a proper black village if the black community was to develop along satisfactory lines.<sup>338</sup>

#### 7. POPULATION GROWTH, EXPANDING INDUSTRIAL ACTIVITY AND EXTENSION OF BOUNDARIES

Population growth continued as Durban's industrial and commercial life developed. With time the Borough area became constricted. Consequently there was an inevitable spill-over of the Durban population to the outlying districts. By 1930 the population of the Durban area stood as follows:<sup>339</sup>

#### LOCAL AUTHORITY AREA POPULATION

LOCAL AREA	SQUARE MILES	WHITES	ASIATICS	BLACKS	TOTAL
Green Wood Park	8.84	5,000	5,000	2,100	12,100
Malvern	6.65	3,200	1,800	1,250	6,250
Mayville	14.71	3,000	14,000	6,000	23,000
Pinetown	8.90	1,261	562	383	2,206
South Coast Junction	2.728	3,410	13,580	8,860	25,850
Sydenham	762	3,000	1,300	6,500	22,500
Umhlathuzana	490	5,100	3,380	1,400	9,800

The figures shown above reflect the population shortly before the incorporation of "added areas" in 1932. In other words the seven local authorities (which were formerly constituted in 1926) were still independent of Durban and ran their own

<sup>337</sup> Mayors Minute, 1927, p, 64.

<sup>338</sup> Mayors Minute, 1931, p. 61.

<sup>339</sup> The Report of the Boundaries Commission of 1929, p. 8.

affairs. This means that the Municipal area of Durban was far smaller than it is today. (See map of Greater Durban on back page). The incorporation of new lands became inevitable.

The extension of boundaries was not a new practice in Durban. Since the proclamation of the Borough in 1854 the need had arisen from time to time to extend the size of the town. Between 1904 and 1927 several areas had been included under Durban which increased the Durban Municipal area to 8,274 acres.<sup>340</sup>

Yet the Boundaries Commission reported in 1932 that the Borough had within its limits only 600 acres suitable for development for residential purposes.<sup>341</sup>

Land within the town had been bought by individuals as well as industrial concerns and this created a demand for more space for residential, business and other purposes. The town offered land for factories and industries. Every application for land, either on a freehold or a leasehold basis was carefully and sympathetically considered by the Durban Town Council.<sup>342</sup>

Consequently all available land was occupied and utilized for industrial and commercial activity. In 1931 the Natal Mercury reported this phenomenal growth of industry in Durban as follows:

In the last decade 160 new concerns, representing a value of nearly £6000 000 in land, buildings, plant and machine have sprung up .... in Durban Borough during 1920 - 30 no less than 145 acres of land has been opened up at a cost just below £1000 000.<sup>343</sup>

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<sup>340</sup> Natal Archives, Pietermaritzburg Colonial Office, Report of the Durban Borough Extension Enquiry Commission, File No. 3/DBN 14/4/1.

<sup>341</sup> Report of the Boundaries Commission, 1929, p. 3.

<sup>342</sup> The Natal Mercury, 30 November, 1931, p. 24, (Port Natal's Rapid Forward March).

<sup>343</sup> Ibid.

In its policy of making extensions of the town area the Town Council worked on the principle that "for every acre sold within the Borough another must be acquired by purchase outside the present boundaries."<sup>344</sup> The application of this principle meant that the acquisition of land was going to be an on-going process. As long as land was bought within the Borough more would have to be obtained outside. This became necessary since in the final analysis incorporation was seen to be in the interest of the town as a whole.

The extension of boundaries was also seen to be in the interest of the inhabitants of the affected areas. This was expressed by the Mayor in the following statement:

The time must come when the Council will need to come to grips with the question of the inclusion of many of these suburbs in the town in the interests not only of the citizens of the town, but for the welfare of the inhabitants of the areas concerned, especially in matters of sanitary, police, fire and other services.<sup>345</sup>

Whilst the Town Council was considering the incorporation of outer areas in the interest of all citizens, it also considered the selection of a site for a black township. It was at this juncture that the finger pointed at Umlazi Mission for the first time.

## 8. ATTEMPTS TO PURCHASE UMLAZI MISSION LANDS

When Rev. Steele was priest-in-charge of Umlazi Mission the issue of selling part of Umlazi Glebe to the Town Council was raised. It would appear that an offer was submitted early in 1929 for the Corporation to purchase some 60 acres of land at Reunion fronting the main South Coast Road at 100 pounds per acre together with certain buildings valued at 1 000 pounds.<sup>346</sup> The land adjoined the black Reserve and it was stated that the latter could be purchased at a later date.

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<sup>344</sup> Mayors Minute, 1927, p. 215.

<sup>345</sup> Mayors Minute, 1929, p. 14.

<sup>346</sup> Natal Archives, Pietermaritzburg Colonial office, Durban Town Clerk File No. 643 J18 Vol. 2, Report of the Estates Manager, 28 February, 1929.

This area, it was suggested, would be bought for the purpose of housing Blacks. However, the Estates Manager stated that he could not recommend the purchase of the area suggested for the reason that Reunion was situated ten miles from Durban and that cheaper land could be purchased nearer Durban if so required. He recommended therefore that the offer should not be entertained.<sup>347</sup>

The Markets and Abattoir Committee also wished to purchase Umlazi Mission lands. However, Councillor Kemp pointed out that there was no necessity for land for a black village until Wentworth was put to beneficial use.<sup>348</sup> Thus he recommended that the question of the Umlazi Mission land should not be further considered (and the Committee agreed with him).<sup>349</sup>

It seems, however, that the issue was soon raised again. In the same year (1929) Dr H.E. Arbuckle was Chairman of Markets and Abattoir Committee. He made enquiries to C.F. Layman, Manager Durban Municipal Native Affairs Department, about the likelihood of purchasing certain lands (200 acres in extent) at Umlazi Mission by the Durban Town Council as a site for the proposed village for Durban Blacks.<sup>350</sup> Mr Layman then forwarded this proposal to the Anglican Church authorities by writing to Canon Robinson regarding the acquisition of Umlazi Glebe lands for a black village.<sup>351</sup>

This proposal (which was treated as "confidential") was discussed at a meeting of the Umlazi Committee (a Committee that was appointed by the Anglican Church Trust

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<sup>347</sup> Ibid.

<sup>348</sup> Natal Archives, Pietermaritzburg Colonial office, Report of Councillor Kemp, Durban Town Clerk File No. 643 J18 Vol. 2.

<sup>349</sup> Ibid.

<sup>350</sup> Natal Archives, Pietermaritzburg Colonial office, Durban Town Clerk File No. 643 J18 Vol. 6.

<sup>351</sup> Ibid.

Board to advise in matters connected with the Mission).<sup>352</sup> Rev. Steele was directed to reply on behalf of the Committee that they would be prepared to recommend for the consideration and offer of the Municipality to purchase two hundred acres at one hundred pounds per acre. This offer was placed before the Anglican Church Trust Board who were the owners of the property.<sup>353</sup>

This proposition did not meet with success. In reply to this letter the Town Clerk of Durban pointed out that the figure of 100 pounds per acre was excessive and 30 pounds per acre might be deemed reasonable.<sup>354</sup> His words were:

Referring to your letter .... regarding the acquisition of the Umlazi Glebe land by the council for the purpose of establishing thereon a Native Village .... it was resolved that you be advised that the Committee is unable to entertain the proposal at the figure of 100 pounds per acre but the Committee is willing to further discuss the proposition on more advantageous terms.<sup>355</sup>

In that way the matter lapsed.

This correspondence reveals that as early as 1929 Umlazi Mission Station had begun to be seen as an ideal area for a black urban township. The Town Council's interest in Umlazi met with a positive response from the Anglican Church which wished to take advantage of the situation and make a huge financial gain from the sale of the land. The confidentiality of the correspondence also points to the fact that the proposition was carried out without consulting the tenants of the Mission Station. It is no surprise then that a little more than a decade later the matter was raised again and part of the Glebe was sold to the Durban City Council.

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352 Ibid.

353 Ibid.

354 Ibid.

355 Ibid.

## 9. THE INCORPORATION OF "ADDED AREAS" AND ITS EFFECTS

The early 1930's ushered in a new phase in the territorial development of Durban. In 1932 the Durban town area was extended from 12 to 70 square miles by the inclusion of five peri-urban areas known as the "Added Areas".<sup>356</sup> These areas were Green Wood Park, ;Mayville, South Coast Junction, Sydenham and Umhlathuzana.<sup>357</sup>

Incorporation resulted in a substantial increase in the Municipal population, the pre-incorporation total of 126,000, rising by 74 percent to 218,000.<sup>358</sup> Incorporation also had the effect of altering the racial composition of the city's population.<sup>359</sup> The number of Indians almost trebled while the estimated Black population rose by almost one half from 43,8000 to 64,600.<sup>360</sup>

Another factor that boosted the population of Durban was the end of the Depression of 1929 - 33.<sup>361</sup> Consequently there was an influx of Blacks into Durban following the recovery in economic activity.<sup>362</sup> The Revenue Fund also reflected a more satisfactory position.<sup>363</sup> The added areas imposed many responsibilities on the Town Council. One of these was to improve housing conditions for the additional population.

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<sup>356</sup> Maasdorp and Humphreys: From Shantytown ....p. 9.

<sup>357</sup> Mayors Minute, 1933, p. 1.

<sup>358</sup> Maasdorp and Humphreys: From Shantytown .... p. 9.

<sup>359</sup> Ibid.

<sup>360</sup> Ibid.

<sup>361</sup> Ibid.

<sup>362</sup> Ibid.

<sup>363</sup> Mayors Minute, 1935, p. 9.

Some 23 percent of the population of the incorporated areas were badly and insufficiently housed: approximately 69.5 percent of the people affected were Indians; approximately 26 percent were Blacks.<sup>364</sup> The number of Whites concerned was fractional.<sup>365</sup>

In due course of time the Government decided to deal with the problem of poor housing around industrial towns by passing the Slums Act in 1934.

#### 10. THE SLUMS ACT NO. 53 OF 1934 AND ITS IMPLICATIONS

In pursuance of the housing policy the Government passed in 1934 the Slums Act No. 53 of 1934 which empowered Town Councils to declare as slum areas in their control which did not fulfill Municipal housing and health standards. Section 3 of this Act made the following provisions:

It shall be the duty of the local authority to take all lawful, necessary and reasonably practicable measures -

- (a) for preventing or remedying or causing to be prevented or remedial all nuisances<sup>366</sup> in its district; and
- (b) for ensuring the provision of suitable housing generally and as far as circumstances permit for the inhabitants of its district.<sup>367</sup>

This Act supplemented the Public Health Act of 1919.<sup>368</sup> as it also aimed at

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<sup>364</sup> Mayors Minute, 1933, p. 13.

<sup>365</sup> Ibid.

<sup>366</sup> According to Section 122 of the Public Health Act of 1919 the word "NUISANCE" referred to any dwelling or premises or any area of land or factory or trade premises or public building or any stream, pool, lagoon, stable, kraal, cowshed etc, that was not kept in a cleanly state and which in the opinion of the local authorities was offensive or dangerous to public health.

<sup>367</sup> Section 3 of Act No. 53 of 1934 in Statutes of the Union of South Africa 1934, p. 554.

<sup>368</sup> The Public Health Act (Act No. 36) was passed on 20 June, 1919, and is in the Statutes of the Union of South Africa, 1919.

removing dwellings which in the opinion of authorities concerned, were unfit for human habitation and might therefore be at the detriment of public health. Both Acts also required local authorities to provide suitable housing for their inhabitants. Slum conditions, especially in urban areas, became the main focus of the Slums Act.

In Durban the Town Council appointed the Public Health Committee in 1934 whose duty was to:

- (i) investigate the position as regards slum clearance
- (ii) carry out such formal procedure under the Act as a Committee in terms of the Act carry out on behalf of the Council
- (iii) draw up a programme of Slum Clearance and re-housing.<sup>369</sup>

Consequently a comprehensive detailed survey of the whole Borough including the recently incorporated areas was carried out after the promulgation of the Slums Act. The terms of the Slums Act were such that it could not be enforced unless alternative arrangements were made to provide occupants with decent healthy accommodation. This placed a responsibility on Town Councils to build proper houses for those inhabitants affected. Thus, for instance, certain areas at Mayville and Riverside were declared by the Town Council as slums. The Town Council, however, received an intimation from the Minister of Public Health, J.H. Hofmeyer, that before final approval could be given to the declaration of these areas as slums, he would require to be satisfied that the Council was in a position to offer accommodation to the inhabitants (mostly Indians) of the slum areas to be cleared.<sup>370</sup>

The same had been said in 1934 in the case of Cato Manor and Springfield when the Medical Officer of Health reported that:

.... The provision of the Slums Act cannot be invoked to effect slum clearance followed by expropriation of sites unless the

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<sup>369</sup> Natal Archives, Pietermaritzburg Colonial office, Durban Town Clerk File 643 J/17 Vol. 3. Correspondence received: Durban Town Clerk - Secretary for Public Health, 10 December, 1934.

<sup>370</sup> Mayors Minute, 1936, p. 9.

Minister of Health is satisfied as to the provision made for re-housing.<sup>371</sup>

In consequence of that decision the Council was engaged for some time in an endeavour to provide adequate housing on suitable sites and housing schemes were considered to be set at Cato Manor and Springfield.

The limitations of the Slums Act manifested themselves in the emergence of slums on a large scale. Failure by the Durban City Council to enforce the provisions of the Act by substituting bad houses with proper and decent homes, meant that black workers and their families had to live in squatter areas. As will be indicated in the next chapter, squatter camps had increased phenomenally by the early forties and this was to lead to talks about Umlazi Mission as the answer to the problem.

#### 11. PROPOSALS BY URBAN BLACKS TO BUY LAND AND THE MISSIONARY FACTOR

Mention has been made that in Durban there was a class of Blacks who had come to work and live there on a permanent basis. Some of these saw the purchasing of land by Blacks as a solution to the housing crisis. In 1934, Councillor J.L. Farrel received a letter from Emmanuel Mohlala who was head of the Native Settlement Scheme in Durban.<sup>372</sup>

Mohlala's proposal was that Blacks should buy sites in the black areas outside the incorporated areas on freehold.<sup>373</sup> According to him the settlement of this kind

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<sup>371</sup> Natal Archives, Pietermaritzburg Colonial office, Durban Town Clerk File No. 643 J/17 Vol. 3, Correspondence received: Medical Officer of Health - Town Clerk, 4 December, 1934.

<sup>372</sup> Natal Archives, Pietermaritzburg Colonial office, Durban Town Clerk File No. 643 J18 Vol. 6, Correspondence received: Mohlala - Farrel, 21 December, 1934.

<sup>373</sup> Ibid.

would relieve black congestion in the town if similar settlements could be established near the towns. In Mohlala's opinion black owned areas could fall under the supervision of the Native Affairs Department. The Department had to encourage the Blacks to take up plots in these areas.<sup>374</sup>

Proposals along the lines suggested by Mohlala were made by other Blacks living in Durban. Mr N.M. Nduli appealed in 1936 to the Durban Corporation to survey land and sell it to Blacks so that they would get freehold titles.<sup>375</sup> Mr Nduli was opposed to the policy of building barracks for black city dwellers.<sup>376</sup> He felt that the Durban Corporation should do as in the Transvaal where some Blacks owned land.<sup>377</sup> He further argued that this had been done for Indians who had been allowed to own land all around Durban.<sup>378</sup> Since land had been sold to Indians, they being black too, Nduli wanted to know why Indians were allowed to enjoy more rights than other Blacks.<sup>379</sup> He was also concerned that all aliens had bought land at a very low price and had obtained estates for themselves and their generations.<sup>380</sup>

O.D. Qwana of the South African Railways, Cartage Department, also wrote to the Editor of "Ilanga" expressing his grievance about the high rents of between 3 and 5 pounds that they were now paying on Glebes when it had been between ten shillings and 1 pound before.<sup>381</sup> He felt that it would be better rather if the white priests sold the Glebes to them.<sup>382</sup> Had they been paying such rent towards houses of their

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374 Ibid.

375 Ilanga Lase Natali, 30 May, 1936, p. 12, (Umthetho Omubi Wokususa Abantu).

376 Ibid.

377 Ibid.

378 Ibid.

379 Ibid.

380 Ibid.

381 Ilanga Lase Natali, 28 March, 1936, p. 11 (Othi Makuthengwe amaGlebe).

382 Ibid.

own, he pointed out, they would have built expensive houses of their own.<sup>383</sup>

At Lamontville too some residents were keen to find out whether it was possible for Blacks to lease land at the location for the purpose of building their own houses.<sup>384</sup> A similar proposal was made by residents of Blackhurst (Chesterville)<sup>385</sup>, where the City Council decided to lease 57 plots to Blacks provided their dwellings conformed to standards laid down by the City Council.<sup>386</sup>

In principle the City Council had approved the setting aside of an area at the Lamont Location wherein Blacks would be permitted to lease sites for the erection of their own cottages under supervision and in accordance with plans to be submitted by the City Engineer.<sup>387</sup> In 1939 Mayor Fleming Johnston reported that these applications were referred to the Union Department of Native Affairs for the approval of the Governor-General.<sup>388</sup>

In general the Durban Blacks clamoured for recognition as full citizens of the city who were entitled to all the rights and privileges enjoyed by other racial groups. Land ownership was one of the rights they clamoured for. The struggle by the people of Umlazi Mission for freehold rights should thus be seen against this background. It was part of a general climate that was prevailing among enlightened Blacks in Durban. It is not surprising therefore that in the forties this struggle intensified at Umlazi when, contrary to expectation, the residents there were told that the land they

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<sup>383</sup> Ibid.

<sup>384</sup> Minutes of Lamont Native Location Advisory Board, 24 August, 1938.

<sup>385</sup> According to Mayors Minute, 1946, p. 14, Blackhurst was renamed "Chesterville" in 1946 in honour of Mr T. J. Chester, who then was Manager of the Native Administration Board, Durban.

<sup>386</sup> Mayors Minute, 1939, p. 13.

<sup>387</sup> Minutes of the Lamont Native Location Advisory Board, 24 August, 1938.

<sup>388</sup> Mayors Minute, 1939 p. 13.

wished to own was seen to be suitable for an urban township.

There is indication that some missionaries were concerned about lack of proper living accommodation for a vast majority of Blacks in Durban. This feeling was explicitly expressed by the Natal Missionary Conference which represented the missionaries of Natal and Zululand which met in Durban in 20 and 21 June (1934).<sup>389</sup> This conference passed a resolution to the Council of Durban. In this resolution the missionaries made it clear that they were opposed to the getting together in Durban of many thousands of black male workers from Natal and Zululand and their consequent absence for extended periods from their wives. This system the missionaries saw as prejudicial to the best and highest interests of the Blacks and undoubtedly led to much immorality.<sup>390</sup> The resolution of the conference contained the following words:

.... hereby respectfully and earnestly urges the Borough Council of Durban to proceed as speedily as possible with its expressed purpose of providing a Native village or township where the Natives may be located with their wives and children.<sup>391</sup>

This proposal did not by any means suggest that the Durban Town Council should acquire Umlazi Mission lands for the purpose of building a township there for Blacks. It does, however, point to the fact that the Durban Town Council came under pressure to acquire land to establish a township that would alleviate the housing problems facing the Durban Blacks.

## 12. THE SOUTHWARD EXPANSION OF DURBAN AND UMLAZI

Special attention should be paid to the fact that although Durban was expanding north, west and south, it was mainly in the southward direction that industrial expansion was

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<sup>389</sup> Natal Archives, Pietermaritzburg Colonial office, Durban Town Clerk File No, 643 J18, Vol. 2.

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

taking place. This was so because land such as the areas near Clairwood and Wentworth was found to be suited to industrial expansion and Municipal services of light, power and water together with road and rail facilities were all at hand.<sup>392</sup>

Consequently after 1932 such areas as Clairwood, Jacobs Wentworth, Merebank and Lamontville were part of Greater Durban. This development brought the Durban Municipal area closer and closer to Umlazi River and it was logical that any further development in this direction would affect the Mission Station.

### 13. CONCLUSION

Umlazi Mission Station continued to be a rural area and improved socially, religiously, educationally and in agriculture. However, the community of Umlazi Mission had not succeeded to get freehold rights for the land they occupied but they continued to clamour for those rights.

It emerges from this chapter that from World War I Durban went through a rapid economic development. Population explosion which was a direct outcome of this development exerted pressure on the Durban City Council to incorporate certain areas adjoining the Durban Municipal area. The principle of boundary extension became a corner-stone of this industrial development.

This chapter also shows that some Blacks in Durban were not happy with their "visitor" status and aspired to be permanent urban dwellers and landowners. The Durban Town Council came to terms with this reality and recognized some black workers as permanent Durban citizens. Subsequently black townships emerged. Yet the need for more townships existed in order to accommodate the ever increasing black population. Land had to be found to build more houses for homeless Blacks. Besides, only properly built and properly run townships could meet with the terms of the Public Health Act of 1919 and the Slums Act of 1934.

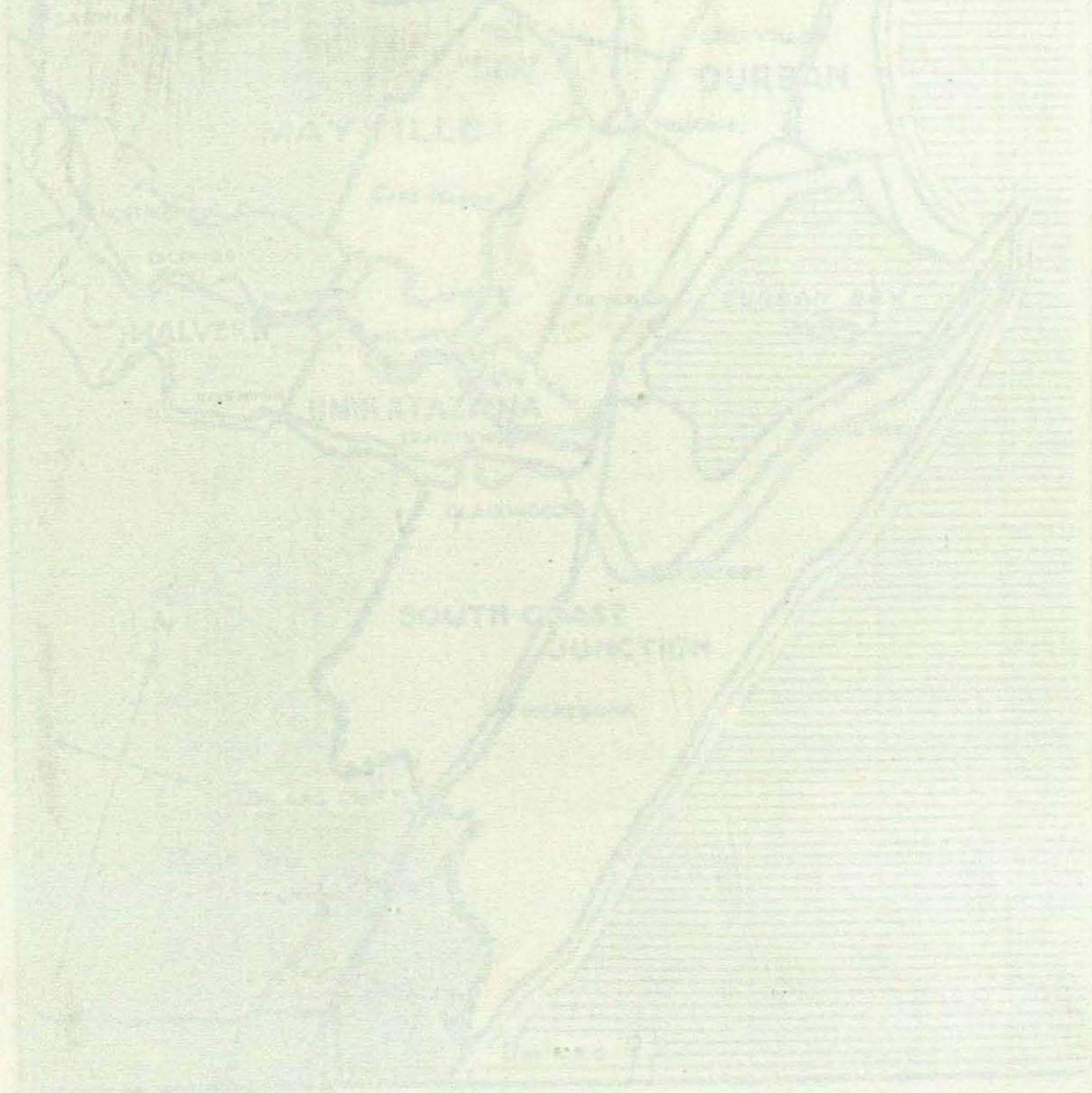
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<sup>392</sup>

The Natal Mercury, 30 November, 1931, p. 24, (Port Natal's Rapid Forward March).

It has also transpired from this chapter that the missionaries of the Anglican Church attempted to sell part of Umlazi Mission Glebe. This deal, abortive as it was, created a precedent that the Church had arbitrary powers to sell the Mission land. Though, legally, the Church was authorized to decide what to do with the land, the event itself seems to have signalled to the Durban city authorities that such a deal was feasible and negotiable. The foundation had been laid for negotiations to incorporate Umlazi Mission.

Durban south became the major industrial growth point and this development drew the rural Umlazi Mission much closer to the Durban area. Umlazi was being engulfed by urban areas and its rural isolation was at stake.





## CHAPTER 5

## INCORPORATION OR NOT?

## 1. INTRODUCTION

The Second World War exacerbated the housing problems in Durban. During the War Years Umlazi Mission Station and Reserve and a few areas situated around the city were earmarked by the Durban City Council for infrastructural projects including Black housing. Consequently a series of talks and debates took place over the future development of Umlazi Mission Station.

The period 1942 to 1948 saw the involvement of various parties who addressed the question on whether Umlazi Mission Reserve should be incorporated under Durban or not. However, focus in this section will be on the years 1939 - 1945.

The chapter addresses the following issues:

Durban's Black housing crisis and its social repercussions; the sale of Umlazi Glebelands; the reasons advanced by the Durban City Council for the choice of Umlazi Mission for a Black Township; the suggestion of Mr Nicholls, the Provincial Administrator of Natal, to include Umlazi Mission Reserve under a Durban County Council and the reaction by Blacks at Umlazi Mission to the proposal to incorporate Umlazi Mission Reserve to Durban.

The chapter shows how the perception of Blacks concerning the question of individual land ownership was in direct conflict with the views and objective of the Durban City Council to set a Black township at Umlazi Mission.

## 2. SECOND WORLD WAR CONDITIONS AND THE PROBLEM OF BLACK HOUSING IN DURBAN

In Durban the outbreak of the Second World War brought the most serious shortage

of Black housing. There was a large and rapid influx of population into the city due to increasing deterioration of the reserves and the rapid development of commerce, industry and shipping in the city stimulated by the WAR effort<sup>393</sup>. An estimated Black population of 68,450 out of a total population of 251,864, was reported<sup>394</sup>.

The Durban City Council embarked on new development work to meet the housing problems of Blacks to some extent. Firstly, the Council acquired an area of 290 acres known as Blackhurst Estate in the western part of the city<sup>395</sup>. The City Council further authorised the release of 37 3/4 acres at Merebank and adjacent to the Lamont Location in the southern position of the city, for the establishment of a Black Males' Hostel<sup>396</sup>. The Merebank Hostel was planned to house 5,000 males<sup>397</sup>.

A hostel for Black females was also proposed at Eastern Vlei.<sup>398</sup> Another scheme proposed in 1941 was the extension of Lamont Village by providing a further 182 sub-economic houses for Black workers and their families.<sup>399</sup>

Despite these new housing schemes, there was still a demand for Black housing. The Durban City Council had to embark on a comprehensive housing scheme if it was to meet the needs of its Black workers.

The limited land resources caused the City Council to stick to its old principle of perpetual land acquisition. This is clearly illustrated by the records of the Mayor of

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<sup>393</sup> L. Torr: "The History of Lamont" History News, (Journal of Natal History Teachers Association, Vol. 24,) p. 61.

<sup>394</sup> Mayors Minute, 1941, p. 7.

<sup>395</sup> Mayors Minute, 1939, p.13.

<sup>396</sup> Ibid.

<sup>397</sup> Mayors Minute, 1942, p. 11.

<sup>398</sup> Mayors Minute, 1943, p. 6.

<sup>399</sup> Mayors Minute, 1942, p. 6.

Durban, R. Ellis Brown, who in 1942, reported as follows:

The pressing necessity of securing suitable land for the whole of the City Council's Native Housing programme, which aims at ultimately providing at least 3,000 homes for Natives has been investigated and subject to certain minor difficulties being met it is expected that additional land will be acquired.<sup>400</sup>

### 3. THE SALE OF THE GLEBELANDS TO THE DURBAN CITY COUNCIL

One of the areas that was found to be suitable for a Black Township was Umlazi Glebeland and the adjacent Umlazi Mission Reserve. Accordingly a scheme was prepared and approved by the City Council for acquiring Umlazi Mission Reserve.<sup>401</sup> The Mayor, R. Ellis Brown, announced in 1942 that the acquisition of the Reserve was at that time awaiting the consent of the Minister of Native Affairs.<sup>402</sup>

Whilst the position of Umlazi Mission Reserve was still being negotiated with the Minister, the City Council went ahead with the plan to purchase a portion of Umlazi Glebeland from the Anglican Church.

It should be borne in mind that, as explained in Chapter I, the two parts of the Mission Station (The Glebe and the Reserve) were administered differently. As outright grants to mission bodies, glebes were church properties. In the case of Umlazi Mission the Glebeland consisted of freehold land vested in the Diocesan Trustees for the Church of the Province of South Africa.<sup>403</sup> This implies that the Anglican Church was at liberty to dispose of the land should the need arise.

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<sup>400</sup> Ibid.

<sup>401</sup> Ibid.

<sup>402</sup> Ibid.

<sup>403</sup> State Archives, Pretoria, Evidence of Bishop of Natal, (Annexure H), NTS 915/56 Umlazi Mission Reserve Evidence.

In pursuit of Durban City Council's plans, in January 1942 it was made known that Durban would spend 16 000 pounds on land for Black housing at Umlazi Glebe.<sup>404</sup> This proposal came before the Finance Committee of the Durban City Council on 5 January 1942 from the City Valuator and Estates Manager, Mr A.E. Mallinson.<sup>405</sup>

The land that the City Council purchased was over 175 acres in extent.<sup>406</sup> It was situated on the southern banks of the Umlazi River. The land was bounded on the east by the main South Coast Road and Reunion Station was situated about the centre of the eastern boundary. The land rose in an easy slope to the top of the crest and went a little distance down the other side.<sup>407</sup>

One of the conditions in the provisional agreement was that the land, with the exception of a small strip bordering the main South Coast road, would be used solely for purposes of housing Blacks.<sup>408</sup> Another condition was that the sellers of the land, the Anglican Church Trust Board, would bear the costs of transfer.<sup>409</sup>

Umlazi Glebeland was found to be admirably suitable for Black housing especially because it formed a natural extension to Lamont Village.<sup>410</sup>

There is evidence to show that during these years the Anglican Church at Umlazi wished to expand its activities on the mission but was unable to do so because of inadequate funds. One area which the church wished to improve was education.

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<sup>404</sup> The Natal Daily News, 5 January, 1942, p. 5 (More Land for Natives - Proposed Extension of Housing Scheme).

<sup>405</sup> Ibid.

<sup>406</sup> Ibid.

<sup>407</sup> Ibid.

<sup>408</sup> Ibid.

<sup>409</sup> Ibid.

<sup>410</sup> Ibid.

The records of the representatives of residents of Umlazi Mission Reserve (who in 1945 opposed the decision of the Durban Municipality to transfer Umlazi Mission to Durban) show how education was a central factor behind the sale of the Glebeland.

The Committee of Representatives wrote:

Partly in response to our requests for a higher and properly planned educational system, the church has recently sold its Glebelands to the intent that money may be available for increasing schools; for building industrial schools and generally to provide a more adequate and efficient staff for all necessary work on the mission.<sup>411</sup>

The motive to obtain money from the sale of the Glebe was also linked to the problems emanating from the geographic location of the mission. The Glebeland was situated between the Main South Coast Road and the Mission Reserve. The then Bishop of Natal has pointed out in his record that because of its proximity to the Main Road and Railway the mission had experienced some difficulty in controlling the land abutting on the Municipal boundary because of the intrusion of unauthorised non-mission Blacks.<sup>412</sup>

Believing that the development of this property by the Durban Corporation (in a manner which was beyond the finances of the mission) to be of benefit to the Blacks, the Trustees agreed to sell the Glebe.<sup>413</sup> The sale was based on the condition that the capital money realised by the sale would be used by the church for the extension of its school buildings, and mission work and especially in the Umlazi Mission Reserve.<sup>414</sup>

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<sup>411</sup> State Archives, Pretoria, Memorandum of Umlazi Mission Reserve Representatives (Annexure C), NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>412</sup> State Archives, Pretoria, Evidence of Bishop of Natal, (Annexure H) NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>413</sup> Ibid.

<sup>414</sup> Ibid.

Rev. A.H. Zulu has also left on record that the Glebeland was sold by the Anglican Church on condition that the proceeds would be utilised for educational purposes. He points out that the Anglican Church justified its action by arguing that there were only 35 tenants found on the Glebe and attempts to encourage people to live there had failed.<sup>415</sup> This situation seems to have had an adverse effect on the revenue of the Church since less tenants meant that less rent was received.

Dr Nzimande also pointed out that the Glebe, with the few tenants living on it was not earning sufficient revenue for the Church which wanted money for expansion work. Subsequently the Church at Enwabi and the Commercial School at the Mission Station were built with a portion of the proceeds from the sale of the Glebe.<sup>416</sup>

The problems described above explain why the Anglican Church sold the Glebeland to the Durban City Council. But it must be remembered that in 1929 the Durban Municipality had attempted to purchase the mission lands long before the church had problems. It may be assumed therefore that the two parties had entertained the idea of "striking a deal" for some time.

By its doings the Anglican Church had consciously or unconsciously set a new process in motion - the handing of the churchlands to the Durban City Council.

In August 1943 Mr T.J. Chester, manager of Native Administration Department, Durban, indicated that the construction of 700 houses would take place at Umlazi Glebe.<sup>417</sup> Half this number, that is 350, would be built during the first five years and the rest during the second five years.<sup>418</sup> At Umlazi Mission Reserve 2,250 homes could be built with 1400 built during the first five years and 850 following

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<sup>415</sup> State Archives, Pretoria, Evidence of Rev. A.H. Zulu, NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>416</sup> A.M. Nzimande: Umlazi Township, 13 April, 1987.

<sup>417</sup> Report of T.J. Chester, 1 August, 1942. Mayors Minute, 1942, p. 91.

<sup>418</sup> Ibid.

during the second period of five years.<sup>419</sup>

Such was the position with regard to the land deal between the Anglican Church and the Durban City Council. The future plans of the City Council show that buying part of the Umlazi Glebe was only a preliminary step towards negotiating for the transfer of the whole Mission Station. But as will be indicated later the sale of the Glebe aroused much resentment and criticism from some Black leaders.

#### 4. THE GROWTH OF THE BOOTH ROAD AND CATO MANOR SLUM AREAS

By 1944 the continued influx of non-Europeans (both Indian and Blacks) in Durban, had resulted in overcrowding of existing premises and the development of shack-housing.<sup>420</sup> One of the informal settlements that triggered a debate about Umlazi Mission Reserve was Booth Road and Cato Manor.

Since 1928 there had been scattering isolated shacks at Cato Manor and Booth Road.<sup>421</sup> This area was initially owned by Indian banana growers. It lay between the southern spur of the Berea Ridge and Chesterville and was approximately within three kilometres of the industrial site of Central Durban and within five kilometres of the industrial areas of Mobeni and Jacobs.<sup>422</sup>

The whole of the area comprised broken country. It was incorporated into the Durban Borough in 1932 and consisted of approximately 500 acres of alternating valley, hill and ridges, whilst a good deal of it was used for agriculture.<sup>423</sup>

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<sup>419</sup> Ibid.

<sup>420</sup> Mayors Minute, 1944, p. 14.

<sup>421</sup> G. Maasdorp and A.S.B. Humphreys (Eds): From Shantytown to Township, p. 14.

<sup>422</sup> Ibid.

<sup>423</sup> Report of Inspector of Locations and Manager Municipal Native Administration, Memorandum for Judicial Commission on Native Affairs in Durban, 1947.

Over the years Booth Road and Cato Manor attracted many Blacks who came to live and work in Durban. A few factors caused Blacks to seek accommodation at Cato Manor and Booth Road. Firstly, no adequate housing was provided for Blacks in Durban. Thus in the absence of Municipal and employer provided accommodation Blacks were obliged to rent sites from Indian landowners.<sup>424</sup>

Secondly Black workers could rent sites cheaply where they could construct home made shelters.<sup>425</sup> Thirdly, these areas had the advantage of curtailing travelling costs for most Black workers. They were close to the city and industrial areas where most Blacks were employed.<sup>426</sup>

The fourth factor was the commercial one. The Indian landowners found that the leasing of land was more profitable than market gardening.<sup>427</sup> It was reported that Black squatters, in the majority of cases, paid seven shillings and six pence (an equivalent of 75 cents) per month for the privilege of being allowed to erect their humble scrap iron houses on Indian owned properties.<sup>428</sup> Many Indian-owned sites had more than 30 shanties erected and sometimes as many as 150 shanties could be counted in one property.<sup>429</sup> In this way many Indian land-owners became rich and a class of slum-landlords emerged.<sup>430</sup>

The popularity of informal cottages led to the explosion of the population of

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<sup>424</sup> Maasdorp and Humphreys: From Shantytown .... p. 14.

<sup>425</sup> Ibid.

<sup>426</sup> Ibid.

<sup>427</sup> The Natal Mercury, 28 December, 1945, p. 6. (The Daily Forum - Native Farming at Booth Road).

<sup>428</sup> Ibid.

<sup>429</sup> Ibid. The word shanty refers to a poorly built hut; a shabby dwelling or house, also called shack. A shantytown is that section of a city where there are many shanties or ramshackle houses.

<sup>430</sup> Maasdorp and Humphreys: From Shantytown .... p. 14.

shack-dwellers in Booth Road and Cato Manor. In the Booth Road area alone there were 5 000 Blacks residing in 7 000 shanties in 1943 and by 1944 these figures had risen to 17 000 and 3 000 respectively.<sup>431</sup> In 1948 an estimated 27 000 Blacks was reported.<sup>432</sup>

Perhaps the conditions at Cato Manor and Booth Road would have been of no serious consequence for Durban and Umlazi Mission had it not been for social problems the area created. Overcrowding, unemployment, crime, and diseases characterised this informal settlement.

The Broome Commission that began its investigation on black problems in Durban in 1947 (whose findings and recommendations are discussed in detail in Chapter 7) found crime to be particularly disturbing at Booth Road and Cato Manor. During the six months immediately preceding the Commission's sittings in Cato Manor alone there were twenty cases of murder and six of rape and the monthly average of other offences was robbery 16, serious assault 27, common assault 67 and liquor law contravention 101.<sup>433</sup>

Conditions at Booth Road and Cato Manor also provided considerable scope of the existence of an informal sector. There were for example, unlicensed traders, shack-builders, hawkers and pedlers.<sup>434</sup> The sale of Zulu beer, though illegal, was a very popular business. The "Natal Mercury" reported early in 1946 that each week between 2 000 and 4 000 gallons of "isishimeyane" (a potent and dangerous Zulu

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<sup>431</sup> Ibid.

<sup>432</sup> Ibid.

<sup>433</sup> Statistical figures from the Report of the Broome Commission on "Housing" in Memorandum for the Judicial Commission on Native Affairs in Durban 1947 (Chapters vi - ix).

<sup>434</sup> Maasdorp and Humphreys: From Shantytown .... p. 14.

beer) was found and disposed of by the police in the Cato Manor area.<sup>435</sup>

The whole social scenario at Booth Road and Cato Manor triggered a debate among local authorities as to the causes of the problems in the area and how best they could be dealt with. Since Booth Road and Cato Manor were part of the Borough of Durban, the onus fell on the shoulders of the Durban City Council to improve conditions in these areas.

Attempts by the Durban City Council to compel Indian landowners to provide basic sanitation were held up by protracted litigation.<sup>436</sup> Besides, many landowners would rather have evicted their tenants than provide these services.<sup>437</sup>

The problem of overcrowding and shanties, in the view of the Broome Commission, could not be solved by the deportation of shack dwellers to the reserves because nearly all the menfolk and many of the women were usefully employed in Durban.<sup>438</sup>

Reporting on the possibility of developing Cato Manor and Booth Road areas Mr H.A. Smith, City and Water Engineer, said a water supply and an improvement to the road system would cost 14 200 pounds (an equivalent of R28 400).<sup>439</sup> But such expenditure would, in his opinion, benefit the very landowners who were benefitting by rack-renting as there would be a radical increase in the value of the land.<sup>440</sup>

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<sup>435</sup> The Natal Mercury, 11 January, 1946, p. 6. (Police to Stamp out Shimeyana)

<sup>436</sup> Maasdorp and Humphreys: From Shantytown ... p. 15.

<sup>437</sup> Ibid.

<sup>438</sup> Report of the Broome Commission on "Housing" in Memorandum for the Judicial Commission on Native Affairs in Durban, 1947, (Chapters vi - ix).

<sup>439</sup> Report of City and Water Engineer to Town Clerk Durban, 17 November, 1943, in Memorandum for the Judicial Commission on Native Affairs in Durban, 1947.

<sup>440</sup> Ibid.

Besides, the physical nature of the area itself would make such a project difficult. The Broome Commission hinted on this as follows:

The immediate provision of water and sanitation is another suggested remedy but the provision of these services (and of the roads which must precede them) to an irregularly urbanised and topographically difficult area is quite impracticable.<sup>441</sup>

The only solution, Mr Smith stressed, was accommodation in housing schemes and hostels.<sup>442</sup> It became imperative therefore for the Durban City Council to look for suitable land elsewhere where better housing for the Booth Road and Cato Manor squatters, might be provided. This strengthened the idea of acquiring Umlazi Mission Reserve. Various other reasons made the Durban City Council to take interest in Umlazi Mission Reserve. These are discussed in some detail below.

##### 5. REASONS FOR THE CHOICE OF UMLAZI MISSION RESERVE FOR AN URBAN BLACK TOWNSHIP

In 1943 the City Council appointed the Special Post War Development Committee to make a comprehensive investigation of the city's requirements in Black housing.<sup>443</sup>

As indicated in the previous chapter industrial development in Durban took a southerly direction. Already in 1941 the representatives of the City Council had appeared before the Inter-Departmental Committee on social, health and economic conditions of Blacks in urban areas. To this Committee they recommended, in the

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<sup>441</sup> Extract from the Report of the Broome Commission on "Housing" in Memorandum for the Judicial Commission on Native Affairs in Durban, 1947 (Chapters vi - ix).

<sup>442</sup> Report on City and Water Engineers to Town Clerk Durban, 17 November, 1943, in Memorandum for the Judicial Commission on Native Affairs in Durban, 1943.

<sup>443</sup> Memorandum for the Minister of Native Affairs from Town Clerk, Durban, (Annexure B), February, 1945, Memorandum for the Judicial Commission on Native Affairs in Durban (Chapter vi - ix).

interests of black family life, the creation of locations or villages at distances of from ten to twenty miles from the city.<sup>444</sup>

To obtain land that was not far from the city the City Council suggested that the Government should consider making available to the city Council a large tract of land on the South Coast.<sup>445</sup> The choice of the South Coast was also influenced by the transport factor. Thus the Special Committee made a similar recommendation in September 1943 and stated its case as follows:

The question of land for Black housing is perhaps the most difficulty of solution owing to the fact that the Council has to interpret the Government's policy in such a manner as will not bring about hardship in regard to transport and for this reason it is felt that major development should be in a Southerly direction where rail transport is more readily available than in a Northerly direction.<sup>446</sup>

Accordingly, the City Council, acting on the advice of the Special Committee, lobbied with the South African Railways and Harbours administration to provide railway facilities within Umlazi Mission Reserve. They recommended that the Mission Reserve be set aside for purposes of Black housing.<sup>447</sup>

In 1943, Councillor Barns outlined the Council's proposals to the development of an area on the South Coast for Black purposes. The Council appealed for the administration's co-operation in the provision of direct railway facilities into the area from Reunion Station.<sup>448</sup> This area was deemed suitable for all purposes. It was

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<sup>444</sup> Ibid.

<sup>445</sup> Ibid.

<sup>446</sup> Report of the City Council's Special Post-War Development Committee, September, 1943, Memorandum for the Judicial Commission on Native Affairs in Durban (Chapter vi - ix).

<sup>447</sup> Ibid.

<sup>448</sup> Minutes of Council-in-Committee, Durban Town Clerk File No. 1/1/1/2/12, 15 September, 1943.

found convenient for industrial purposes, as it was only six to seven miles from Congella industrial area and very handy to transport.<sup>449</sup>

In 1943 the Durban City Council held another meeting with the then Minister of Transport, the Hon. Mr F.C. Sturrock. In that meeting the Minister stated that the first step was for the Municipality to indicate to the railways the details of its Black housing proposals in the South Coast area.<sup>450</sup> The railway would then investigate the matter to see if a spur line would be practical.<sup>451</sup>

Another proposal was made about a rail access to the Duffs Road area.<sup>452</sup> The Mayor Ellis Brown, pointed out that it had been agreed that Municipal Engineers would survey the areas both at Umlazi and Duffs Road in respect of their Black and Indian housing schemes.<sup>453</sup> The Administration would then examine the proposals to provide rail facilities to serve these areas.<sup>454</sup>

The Minister of Transport, however, stated that his present information at that time was that no special request had been made for the spur line and therefore the matter had not been fully investigated.<sup>455</sup>

These events show that the Durban City Council worked in close co-operation with the Railway Administration to incorporate Umlazi Mission Reserve. The City Council also seemed to be encouraged by the preparedness of the Railway Department to forge ahead with its plans.

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449 Ibid.

450 Ibid.

451 Ibid.

452 Ibid.

453 Ibid.

454 Ibid.

455 Ibid.

The City Council had agreed to acquire the residue of the Umlazi Glebelands where it was expected that 750 houses could be built.<sup>456</sup> However, this number was insufficient to overtake the then situation.

Without taking into account normal expansion, the City Council came into conclusion that the Government should be approached with a view to making available to the City Council Umlazi Mission Reserve for Black housing. The Special Committee was informed that some 800 to 900 families were domiciled upon the Mission Reserve.<sup>457</sup> They also learned from the Railway Department that some 264 weekly and 43 monthly season tickets were taken out by Blacks residing on the Reserve and travelling to work in the city.<sup>458</sup>

After inspecting several areas of land on the borders of the city, the Special Committee strongly recommended that the Government be asked favourably to consider legislation whereby the Umlazi Mission Reserve would be made available free of charge to the City Council. The City Council could then carry its plans and establish on the acquired land a Black location in which scheme the families residing on the Reserve would be absorbed.<sup>459</sup> The Committee pointed out that the reason for this action was that the growth of the city and its important position in the Southern Hemisphere required urbanisation of the Mission Reserve. The city could then maintain its said position and adequately take its part in the development of the Union.<sup>460</sup>

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<sup>456</sup> Memorandum from the Town Clerk, Durban, to the Minister of Native Affairs (Annexure A), February 1945, Memorandum for the Judicial Commission on Native Affairs in Durban (Chapter vi - ix).

<sup>457</sup> Ibid.

<sup>458</sup> Ibid.

<sup>459</sup> Memorandum from the Town Clerk, Durban, to the Minister of Native Affairs (Annexure A), February 1945, Memorandum for the Judicial Commission of Native Affairs in Durban (Chapter iv - ix).

<sup>460</sup> Ibid.

On 27 September 1943 the City Council adopted the recommendations made by the Special Committee which were presented as follows:

- (i) That the decision of the Council to acquire the residue of the Umlazi Glebe Lands be re-affirmed.
- (ii) That the Union Government be requested to favourably consider the introduction of legislation whereby the Umlazi Mission Reserve comprising 7,527 acres, and more specifically referred to in the schedule of the Native Areas Act 1913, shall be made available to the City Council free of charge for the establishment of a Black location.
- (iii) That the Railways Administration be approached with a view to their constructing a spur line from the South Coast Railway into the Umlazi Glebe Lands and the considerable area west thereof, so as to provide (when the South Coast Railway was electrified) a speedy and cheap means of enabling dwellers in the proposed Black housing scheme to reach their work in the growing industrial area at the Southern end of the City.<sup>461</sup>

The City Council was particularly interested in the Umlazi Mission Reserve. The Mayor pointed out in 1943, that the Council possessed no land which was suitable for development for Black housing purposes.<sup>462</sup> The Reserve accommodated comparatively few families whereas the Council was anxious to develop Black housing accommodation in order to provide the needs of industry in Durban.<sup>463</sup> For this reason the Council needed the whole of the Reserve and would spend a considerable amount thereon in order to make it available for Blacks.<sup>464</sup> The Council also desired to house the Blacks as near as possible to where they were

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<sup>461</sup> Ibid.

<sup>462</sup> Notes of proceedings at informal meeting between City Councillors, Durban Senators, Members of Parliament and Provincial Councillors, 5 January, 1945.

<sup>463</sup> Ibid.

<sup>464</sup> Ibid.

employed.<sup>465</sup>

After adopting these recommendations the City Council made representations to the Government on the subject. However before this happened the City Council's proposals were referred to and carefully examined by the Natal Provincial Post War Works and Reconstruction Commission. this Commission had been established by the Administration on 4 March, 1943. The Commission then recommended that the proposed acquisition of Umlazi Mission Reserve for the purpose of establishing thereon an urban Black Township, be approved subject to adequate compensation in the form of other suitable land being made available to rural Blacks in Natal.<sup>466</sup>

In making this recommendation, the Commission stated that it was influenced by the following considerations.

- (i) That adequate provision would have to be made at that time for housing the ever-increasing number of urbanized Blacks employed in Durban, together with their families, in strategically situated areas to the north and the south of the city to supply the labour required in the northern and southern halves of the Borough respectively.
- (ii) That the Umlazi Mission Reserve was ideally situated for serving the southern half by reason of its proximity to the existing and potential industrial area stretching from the head of the Bay to the Umbongintwini River and also on account of its accessibility to rapid road and rail transport.
- (iii) That as it was understood that some 800 to 900

Black families were domiciled in that Reserve and that approximately 264 weekly and 43 monthly season tickets were purchased by members of these families to enable

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<sup>465</sup> Ibid.

<sup>466</sup> Memorandum from the Town Clerk, Durban, to the Minister of Native Affairs (Annexure A), February 1945, Memorandum for the Judicial Commission on Native Affairs in Durban (Chapters vi - ix).

them to travel to and from employment in the city, the Reserve was actually well on the way to urbanisation.

- (iv) That if it were converted to an urban location for the said purpose the existing population and any accretions thereto could be adequately housed and provided with essential services and amenities under proper control and supervision.
- (v) That there was no other land of sufficient acreage in the locality which could be acquired for the purpose.<sup>467</sup>

The Natal Provincial Post-War Works and Reconstruction Commission, however, did not look only to the southerly direction but provision for Black urbanisation of the same character and for the same purpose was recommended to the north of the city.<sup>468</sup>

The Post-War Commission also envisaged the use of Umlazi Mission Reserve as a housing scheme for Blacks who would be evicted from Blackhurst Location. The Post-War Commission was opposed to the existence of a Native island at Blackhurst where there were between 10,000 to 14,000 Blacks.<sup>469</sup> It was proposed that the Black area should be wiped out entirely and that area should be allocated for Indian settlements corresponding to the large Indian population there. At the conclusion of the meeting the representatives of the local bodies intimated that they were in agreement with the proposals which were envisaged.<sup>470</sup>

Temporarily the City Council had produced a plan to provide an outlet on the basis

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<sup>467</sup> Ibid.

<sup>468</sup> Ibid.

<sup>469</sup> Memorandum from the Town Clerk, Durban, to the Minister of Native Affairs (Annexure B), September 1945, Memorandum for the Judicial Commission on Native Affairs, in Durban (Chapter vi - ix).

<sup>470</sup> Ibid.

of temporary housing on the Umlazi Glebe Lands part of which the City Council had already bought from the Anglican Church. With a view to determining whether the provision for temporary dwellings with basic sanitary and water services could be undertaken authority was granted to the erection of 4 experimental houses of wattle and daub type of the Umlazi Glebe Lands.<sup>471</sup>

In the meantime negotiations to acquire Umlazi Mission Reserve continued. There is reason to believe that besides the factors put forward by the local authorities, Umlazi Mission Reserve suited itself well for acquisition because the City Council would not incur any financial losses on it. Asked why the Durban City Council was particularly interested in Umlazi Mission when there might have been other areas that could be used for that purpose, Dr Nzimande pointed out that most of the land around Durban was White owned and it would be expensive.<sup>472</sup> This the City Council did not admit explicitly. In 1945 the Mayor R. Ellis Brown, stressed the fact that the question of cheapness never entered the picture as far as the Council was concerned.<sup>473</sup> Dr Nzimande's point, however, should be accepted because, as mentioned already, the City Council wished that the Government should make the Reserve available "free of charge" to it. Again the Mayor pointed out that if the Council was required to pay heavily for Umlazi then it would affect the financial interests of the Blacks, as a higher rent would be paid.<sup>474</sup>

In 5 February, 1945, the City Council raised the issue of acquiring Umlazi Mission Reserve. For the consideration of the Minister of Native Affairs Major P. van der Byl, they adopted the following resolution:

That as the Natal Provincial Post-War Works and

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<sup>471</sup> **Mayors Minute, 1945, p. 12.**

<sup>472</sup> **A.M. Nzimande: Umlazi Township, 6 April, 1986.**

<sup>473</sup> **Notes of Proceedings of Informal Meeting between City Councillors, Durban Senators, members of Parliament and Provincial Councillors, 5 January 1945.**

<sup>474</sup> **Ibid.**

Reconstruction Commission has now approved of the Council's proposals regarding the acquisition of the Umlazi Mission Reserve for the purpose of establishing thereon an urban Native Township, and in order to enable further progress to be made in this connection the Government be asked to give some indication as to their acceptance of the City Council's policy for the future development of this area.<sup>475</sup>

It should be stressed, however that though the Special Post War Development Committee and the Natal Post War Works and Reconstruction Commission were both agreed on the proposal to acquire Umlazi Mission Reserve they were not agreed on the future position of the Black residents there. Whereas the Post-War Commission recommended that Umlazi Mission Reserve be acquired subject to adequate compensation in the form of "other suitable land being made available to Natives", the Special Committee had talked about the "absorption of the families" living on the Reserve. This point featured prominently in the debates that followed about the future of Umlazi Mission Reserve.

However, before studying the recommendations of the Minister of Native Affairs it is important to examine the views of Mr Nicholls, the Administrator of Natal.

#### 6. SUGGESTION BY NICHOLLS TO INCLUDE UMLAZI MISSION RESERVE UNDER A DURBAN COUNTRY COUNCIL

The idea of the Durban City Council to incorporate Umlazi Mission Reserve under Durban, received the support of Mr G. Heaton Nicholls, the Administrator of Natal.

A conference was held in November 1943 in Durban where the Minister of Native Affairs, Major P. van der Byl and his advisors met with the Durban City Council to

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<sup>475</sup> Extract from Memorandum of Town Clerk, Durban, to the Minister of Native Affairs, (Annexure A), February 1945, Memorandum for the Judicial Commission of Native Affairs in Durban (Chapter vi - ix).

discuss issues related to Blacks in and around Durban.<sup>476</sup> Mr Nicholls was the guest speaker in that conference. Also in attendance were representatives of the Natal Provincial Executive Municipality Health and Post-War Commission and local authorities at Pinetown, Westville, Malvern and Kloof.<sup>477</sup>

Major van der Byl had arrived in Durban earlier that month in the course of an extensive tour of Black areas. His aim was to "see for himself" - to inspect Black housing conditions and to discuss Black problems with the employers of labour and the Blacks themselves.<sup>478</sup> This occasion was also used to discuss the future development of Umlazi Mission Reserve.

In his speech Mr Nicholls explained that with the expansion of industry Durban's black population increased phenomenally and at that time Durban had a greater density of population per square mile than any city in the Union.<sup>479</sup> He stated that there would be a tremendous extension of Durban as a harbour and a manufacturing centre.

Mr Nicholls acknowledged the fact that large numbers of Blacks and Indians lived in areas where no public health, housing or sanitation facilities existed and where no form of control was exercised.<sup>480</sup> He further admitted that the process of cleaning up slums was slow. This was largely because of many vested interests concerned and that land for Black townships was no longer available.<sup>481</sup>

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<sup>476</sup> The Natal Daily News, 9 November 1943, p. 1 (County Council Urged - Administration on Expansion of Durban).

<sup>477</sup> Ibid.

<sup>478</sup> Ibid.

<sup>479</sup> Ibid.

<sup>480</sup> Ibid.

<sup>481</sup> Ibid.

In these circumstances Mr Nicholls suggested the creation of a Durban County Council to co-ordinate the development of greater Durban including the suburbs and Black settlement on its boundaries.<sup>482</sup> Such a Council would be able to control the interests of the White, Black and Indian residents especially the two latter groups.<sup>483</sup>

The Council that Nicholls visualised would be responsible for the general administration of Durban and suburbs. Under the County Council would be smaller councils some purely White, as in the case of the old Durban Borough; some Indian as in the case of Cato Manor and Springfield; and some Black as in the case of Umlazi Mission Reserve.<sup>484</sup> Nicholls felt that Mission Reserves like Umlazi and Inanda having undergone a change should be included under Greater Durban. By this he meant that these two Mission Reserves were no longer purely rural. There were for instance 900 families settled in the Umlazi mission Reserve who worked in Durban.<sup>485</sup>

The Administrator pointed out that the Mission Reserves could no longer be regarded as purely "salvation" centres.<sup>486</sup> Although parts of the Reserves had become urbanized, no form of local government existed for the Blacks. These were problems which the conference had to face and this is how, according to Nicholls, the County Council would help solve these problems.

Under this scheme the Durban County Council would take over the supply of electricity, water and housing and possibly public health. The local authorities would carry out all the local functions which they were more or less carrying out at the time leaving to the Greater Durban County all questions concerning the area as a whole.

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482 Ibid.

483 Ibid.

484 Ibid. p. 3.

485 Ibid.

486 Ibid.

In reply the Minister of Native Affairs, Major van der Byl, said that the scheme outlined by the Administrator and the points raised on the agenda before the conference were very important. In his opinion the whole scheme needed the appointment of a Commission to collect all the necessary facts before anything was done.<sup>487</sup>

The Minister further pointed out that the rapid growth of illegal Black settlements on the outskirts of a city was a problem not peculiar to Durban but occurred at the big towns of the Union. Thus all other centres would be interested in what Durban eventually would decide to do.<sup>488</sup>

The scheme outlined by Mr Nicholls as a solution for Durban's problems makes it apparent that in principle, he was inclining towards the Durban City Council to incorporate Umlazi Mission Reserve to Durban.

However, acquisition of Umlazi Mission Reserve was made difficult by the attitude of the Blacks who lived on the Mission Station and the support that they received from other leaders.

## 7. REACTION BY BLACKS AT UMLAZI MISSION

By the 1940's there was a fairly large number of educated Blacks in Natal. From this elite emerged a few influential figures, who, among other things, conscientized the Black people about the importance of owning land. Columns of "Ilanga lase Natali, a Zulu newspaper published in Durban, were used by Zulu leaders to discuss, inter-alia, land-related matters. It was mainly through this newspaper that grievances and protests against the transfer of Umlazi Mission to Greater Durban were expressed.

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<sup>487</sup> Ibid.

<sup>488</sup> Ibid.

The sale of the Glebeland led to immediate and widespread reaction from Blacks. Some Blacks were opposed to the proposal to sell the Glebelands to the Durban City Council as this would destroy the religious character of the community. Besides, it would render the people homeless. Writing in the "Ilanga" Daba and Majola, expressed their protest as follows:

Our question then is; is this land that is being sold not the Black people's land? How is it being sold? The seller, who in this case is the missionary, when he carries mission work, where will the people he ministers be living? You Black priests why do you keep quiet when white priests are selling your estates? Even a black priest himself what will happen to him after some time when he retires where will he live? He has no place. This land should instead be sold to the residents themselves and to the black priests too who should buy sites where they will get shelter after retirement.<sup>489</sup>

From this statement it is clear that the black people of Umlazi Mission realised that mission work would suffer if the mission lands were sold. Besides, the stability and security of the mission community was now at stake. That the Anglican Church took a unilateral decision in selling the land is implicit in this statement. Dr Nzimande, however, points out that the Anglican Church was not bound by legislation not to sell the Glebe portion of the land, if they so wished, since it was the property of the Church.<sup>490</sup>

In spite of this technical oversight, the people of Umlazi Mission, having lived in the mission for several decades, felt that they ought to have been consulted if something was done about the land. They were opposed to the sale of the Glebelands because they felt that if the Church wanted to sell the land it should sell to the Black people, that they should cut it up into allotments and establish there a town or village outside

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<sup>489</sup> Ilanga Lase Natali, 7 February, 1942, p. 6 (About the Glebelands at Umlazi Mission).

<sup>490</sup> A.M. Nzimande: Umlazi Township, 4 April, 1987.

the Municipal area.<sup>491</sup>

In support of the view of Daba and Majola, the editor of the "Ilanga" of 7 February 1942 aired his views about the intended sale of Umlazi Mission lands which he described as "Bitter News".<sup>492</sup> While the Mission residents acknowledged that they could not raise the kind of money that the Durban City Council had offered to purchase Umlazi Glebelands, they felt that some effort could be made to assist them to buy the land on terms that could suit their pockets. Stress was made of the fact that the Blacks had reached a level in their development whereby they had become conscious of the idea of individual land ownership and the value of the soil. The editorial comment went as follows:

It is known that Blacks are now aware that it is more to their benefit to buy land and that they have now outgrown the childish mentality that there is no point in buying land .... In our opinion the idea of selling the Umlazi Mission lands to the Blacks who are already living there may not be easy because they may not have as much money as the one the Durban Corporation is offering to pay. Nevertheless some effort can still be made not to rush the transfer of land to the Corporation so as to ascertain if the Blacks are capable to secure the land for themselves before it falls into the hands of the Corporation for good.<sup>493</sup>

Daba and Majola accused the missionaries of the Anglican Church of selling the people's land (meaning the land inhabited by Blacks). They found it strange that the priests wanted to make money for themselves when they themselves had been granted the land free of charge.<sup>494</sup> It should be stressed, however, that the priests of the Anglican Church did not sell the land for personal gain. As indicated, the Church

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<sup>491</sup> State Archives, Pretoria, Evidence of Rev. A.H. Zulu, NTS 915/56 Umlazi mission Reserve Evidence.

<sup>492</sup> Ilanga Lase Natali, 7 February, 1942, p. 11, (Editorial Comment).

<sup>493</sup> Ibid.

<sup>494</sup> Ilanga Lase Natali, 7 March, 1942, p.6, (Africans and Reserves and General).

was bankrupt and needed money to finance educational and other Mission projects in the interest of the Black residents themselves.

Apart from writing in the newspaper the residents of Umlazi Mission saw it necessary to deal with the crisis by expressing their protests directly to the City Council and the Government. A press report had announced that the Durban City Council had made application to the Government through the Minister of Native Affairs to introduce legislation by which Umlazi Mission Reserve should be made available 'free of charge' to the City Council.<sup>495</sup>

In response the residents of the Reserve organised themselves to oppose the application. A special Committee was appointed by the residents to represent them in the deliberation with the White authorities. This Committee consisted of the following members:

1. Chief Sikwama Cele
2. Rev. A.H. Zulu
3. Mr C.W. Nxumalo
4. Mr Z.E.H. Mapumulo (Chairman of Committee)
5. Mr EM Mbambo
6. Mr E. Mtayela
7. Rev. A.O. Msomi<sup>496</sup>

In a memorandum directed to the Government the Committee stated their case against the points raised by the Durban City Council.

The first reason for opposing the decision of the City Council concerned the question of citizenship. Politically the status of the black people in towns and of urban townships had been described in the Urban Areas Consolidation Act (Act No. 25 of

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<sup>495</sup> State Archives, Pretoria, Memorandum of Umlazi mission Reserve Representatives (Annexure C), NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>496</sup> Ibid.

1945). In terms of this Act the Black man was a foreigner in urban areas.<sup>497</sup> As a foreigner the Black had no hope of attaining responsible citizenship there. Urban areas were created in the interests of the Whites. The Committee stated that urban locations could not accurately be described as areas administered for the benefit of the Black people.<sup>498</sup> This point is a clear indication that the people of Umlazi mission were fully aware that by accepting a township, they would be surrendering their rural independence.

The second objection concerned urban life itself as it affected Blacks. The Committee argued that the whole way of life in urban townships was not in the best interests of the Black people. They stated this position categorically as follows:

Because an urban Native Location exists and is administered in the interests of the European population of the city concerned, the manner of family life itself; the nature of the houses; the recreational facilities; the economic and industrial status of the inhabitants depend, almost entirely upon the decision of a local authority, where a Black man's opinion had but a negligible influence. To crown it all, such location may claim no right to security.<sup>499</sup>

The above extract shows that the people of Umlazi Mission had no hope that urban life might bring them security and satisfaction. Viewed against the adversities of urban life, rural life on the Mission Reserve offered people many benefits. The Committee argued that the people of Umlazi Mission Reserve had made appreciable progress and achievement in a number of areas.

They had over a hundred sugar cane growers and a rapidly growing number of regular market gardeners.<sup>500</sup> People at the Mission Reserve had planted thousands

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497 Ibid.

498 Ibid.

499 Ibid.

500 Ibid.

of fruit trees such as bananas, mangoes, avocado pears, pineapples and others.<sup>501</sup>

In the educational field the Committee stated that the Mission Reserve had supplied a number of school teachers, nurses, agricultural demonstrators, Ministers of religion, carpenters, clerks and shopkeepers.<sup>502</sup> Good progress had been made in improving the local school. Classes had been raised to Standard VII.<sup>503</sup>

Against this background the Committee made it clear that they were strongly opposed to being urbanized but preferred to retain their rural identity. This argument is in line with what Dr Nzimande said later. He pointed out that the people of Umlazi Mission Reserve lived in a self subsistence economy, tilling the ground, raising their own animals such as goats, sheep and cattle which things they could not do in a township.<sup>504</sup>

The Committee made it explicit that the people of Umlazi Mission Reserve preferred to be landowners.<sup>505</sup>

In demanding freehold rights they were inspired firstly, by the terms of the original grant (the Deed of Grant of 1862 and Act No. 49 of 1903 which placed Mission Reserves in the hands of the Natal Native Trust for the security and benefit of the Blacks living on these Reserves). Secondly they were inspired by the fact that other Mission Reserves had been granted freehold rights. As the Committee stated:

We derived inspiration for making this application, first from the terms of the original Deed of Grant, and secondly, from the fact that some residents of Umvoti,

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501 Ibid.

502 Ibid.

503 Ibid.

504 A.M. Nzimande: Umlazi Township, 4 April, 1986.

505 State Archives, Pretoria, Memorandum of Umlazi Mission Reserve Representatives (Annexure C) NTS 915/56 Umlazi Mission Reserve Evidence.

Amanzimtoti, Imfume and Umtalumi Mission Reserves had been granted freehold title.<sup>506</sup>

The Committee was not convinced that Durban wanted Umlazi Mission Reserve because the City Council had no place to accommodate its labour. To the Committee, Durban was merely shifting their responsibility to the people of Umlazi Mission Reserve. In their view, the Committee stated, since Durban was making profits by this permanent population, the employers of labour in industrial Durban, in collaboration with the City Council, must themselves pay for the solution of the Black housing problem and not Umlazi Mission Reserve.<sup>507</sup>

It is noteworthy that the refusal of the people of Umlazi Mission Reserve to accept a township did not mean that they wanted to cling tenaciously to their traditional way of life. As indicated most of them were already enlightened and therefore believed in change and progress.<sup>508</sup> The Committee admitted that change in the manner of life was inevitable. As Rev. Zulu said:

We recognise that we are living in a world that is not static and we are not static ourselves. We are now living on that Reserve very differently from what our fathers used to do.<sup>509</sup>

Nevertheless the Committee believed that pressure to adopt urban life must arise from within the community. They believed that if the people were forced into the merciless cauldron of city life without warning and without preparation, the consequences would be most devastating.<sup>510</sup>

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<sup>506</sup> Ibid.

<sup>507</sup> Ibid.

<sup>508</sup> Ibid.

<sup>509</sup> State Archives, Pretoria, Evidence of Rev. A.H. Zulu, NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>510</sup> State Archives, Pretoria, Memorandum of Umlazi Mission Representatives (Annexure C) NTS 915/56 Umlazi Mission Reserve Evidence.

The Committee admitted that even at that time the rate of change in their mode of life was very fast but felt that it must not be accelerated unnecessarily.

The need for a gradual adaptation to city life by blacks was also stressed (as will be indicated later) by Chief Luthuli when he and the Natal Mission Reserve Association met with the Minister of Native Affairs in 1945.

Against the foregoing background the Committee who represented residents of Umlazi Mission Reserve felt that the City Council of Durban had failed to present a good case of the matter and were opposed to the future incorporation of their and to Durban.

Because of the seriousness of the land issue the people of Umlazi Mission Reserve decided to adopt all possible strategies to oppose the Durban City Council. One such strategy was to appeal to Black and White leaders who would be sympathetic to their cause to use their positions of influence to oppose the Durban Municipality.

An appeal was made in March 1942 for the revival of the old Mission Reserve Association.<sup>511</sup> This call brought Chief A.J. Luthuli of Umvoti Mission Reserve (Groutville) into the controversy of Umlazi Mission Reserve. The dispute was still to continue.

## CONCLUSION

This chapter has attempted to describe the cause, nature and magnitude of the land dispute between the Durban City Council and the people of Umlazi Mission Reserve in the early 1940's.

What stands out clearly is that the two opposing parties perceived the problem at hand differently. Whereas the Durban City Council wished to be allowed to acquire

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<sup>511</sup> Ilanga Lase Natali, 7 March, 1942, p. 6, (Africans and Reserves and General).

Umlazi Mission Reserve, that is get it "free of charge", the residents of Umlazi Mission Reserve maintained that the land was theirs.

The people of Umlazi Mission seem to have had a strong case to back up their claim. Firstly, they were legally entitled to the land since the 19th century. Secondly there were no guarantees that the proposed change would safeguard their interests as a rural community. Thirdly the claim for freehold rights was supported by the fact that this right had been extended to people of other Mission Reserves.

Studying the arguments of both parties a conclusion can be drawn that the Durban City Council wanted to impose its will on the people of Umlazi Mission Reserve. The legal right of the people to the land, it seems, was being ignored.

Evidence in this chapter shows that the Durban City Council was merely concerned with the solution of its problems and showed little or no concern about the aspirations of the Umlazi Mission Reserve community.

## CHIEF LUTHULLI AND HIS OGMOLU FOR-BLACK LAND OWNERSHIP

Chief Albert Luthulli, a teacher by profession, was Chief of Umlazi Mission Reserve. Besides being Chief of the Umlazi community, he filled various important roles as a community leader. He was President of Natal Native Teachers Union and co-founder of Natal Zulu Land Native Cane Growers Association. He was also knowledgeable about various Native Commissions which reported on matters that dealt with the lives of the Blacks. He also supported all welfare organisations.

## CHAPTER 6

## PROTESTS BY CHIEF LUTHULI, THE NATAL MISSION RESERVE ASSOCIATION AND WHITE CRITICS

## 1. INTRODUCTION

This chapter is an elaboration of the reaction of the Blacks to the proposal of the Durban City Council to acquire Umlazi Mission Reserve. The dispute entered a new phase with the involvement of Chief Luthuli, the Natal Mission Reserve Association and white supporters.

On the basis of the arguments raised by all these parties, this chapter attempts to give a comprehensive picture of the extent of the problem facing the community of Umlazi Mission if the plans of the Durban Municipality were carried out.

The objective of this chapter is also to show that it was the weight of the debate advanced by the Blacks and Whites, which made it imperative for the Native Affairs Commission to make an in-depth investigation of the land problem at Umlazi Mission Station.

## 2. CHIEF LUTHULI AND HIS CLAMOUR FOR BLACK LAND OWNERSHIP

Chief Albert John Luthuli, a teacher by profession, was Chief of Umvoti Mission Reserve. Besides being Chief of the Umvoti community, he filled various important roles as community leader. He was President of Natal Bantu Teachers Union and co-founder of Natal Zululand Bantu Cane Growers Association. He was also knowledgeable about various Bantu Commissions which reported on matters that dealt with the lives of the Blacks. He also supported all welfare organizations.<sup>512</sup>

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<sup>512</sup> Ilanga Lase Natali, 22 August, 1942, p. 11, (Zulu! Mziwakwethu).

Before involving himself in the affairs and land dispute of Umlazi Mission Reserve, Luthuli had made himself known as an outspoken figure in matters that pertained to the rights and welfare of the Blacks. Like most enlightened Blacks, Luthuli, among other things, was concerned with the rights for the Black people to own the land. In 1943 he made it clear that the Blacks could not make progress because they were debarred by law from owning land.<sup>513</sup> He pointed out the seriousness of this problem as follows:

Holdings are becoming smaller and as sons grow up the proportion decreases. The Land Trust Act allows 5 morgen for each family. Land is fixed by law. Even this promised land which will work to about 5 acres per family has not been bought .... We are debarred from purchasing land except in scheduled areas but the scheduled areas themselves are crowded. Where shall we go then? ....<sup>514</sup>

The question of the title deeds for the land held by Blacks was another barrier to progress as Luthuli further explains thus:

The Master and Servants Act and the Industrial Conciliation Act stand in the way.<sup>515</sup> Commercially we can trade in scheduled Black areas only. Yet existing Non-African vested interests in these very areas are protected by law. The money market is closed to us. The Government says it can lend us money if we produce title deeds as security but we get no title

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<sup>513</sup> Ilanga Lase Natali, 2 October, 1943, p. 9, (Chief A. J. Luthuli's Striking Statement)

<sup>514</sup> Ibid.

<sup>515</sup> The Master and Servants Act was also called the Master and Servants Law (Transvaal and Natal) Amendments Act, 1926. According to this law any person would enter into a contract with a Black under which such Black or any member of his family was permitted to occupy or cultivate land of such person in return for services to be rendered by the Black. The Industrial Conciliation Act was passed in 1924 as an attempt to settle disputes between employers and workers. It provided for a system of Joint Industrial Councils through which employers could come to an agreement in regard to wages and general working conditions. The Act prohibited strikes and no strike would be legal unless the dispute in question had first been submitted to the arbitration of an Industrial Council.

deeds for the land we hold.<sup>516</sup>

### 3. ARGUMENTS OF LUTHULI AND THE NATAL MISSION RESERVE ASSOCIATION AGAINST INCORPORATION

In response to the call for the revival of the Mission Reserve Association, Luthuli who became its Chairman, decided that it should tackle the problems of Umlazi Mission Reserve.

The Natal Mission Reserves Association (NMRA) had been formed in 1930.<sup>517</sup> Its objectives, according to Luthuli, were to protect the rights and serve the common interests of Mission Reserves.<sup>518</sup> At its inception the Mission Reserves Associations were concerned with freehold rights for Blacks in Mission Reserves.<sup>519</sup>

The Umlazi Mission Reserve affiliated with the NMRA in 1930. The object of their affiliation was to secure the position of residents and generally improve their condition.<sup>520</sup> Through the Association the people of Umlazi Mission Reserve had made representations to the Government for the allotment of portions of the Reserve in freehold tenure.<sup>521</sup>

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<sup>516</sup> Ilanga Lase Natali, 2 October, 1943, p. 9, (Chief A J Luthuli's striking Statement).

<sup>517</sup> State Archives, Pretoria, Memorandum to the Native Affairs Commission from the Natal Mission Reserve Association (Annexure D) NTS 915/56, Umlazi Mission Reserve Evidence. Note that NMRA is the abbreviated form for Natal Mission Reserve Association adopted by the author for the purpose of this study.

<sup>518</sup> A. Luthuli: Let My People Go, p. 65.

<sup>519</sup> Ibid.

<sup>520</sup> State Archives, Pretoria, Memorandum to the Native Affairs Commission from the Umlazi Mission Reserve Representatives (Annexure C), NTS 915/56, Umlazi Mission Reserve Evidence.

<sup>521</sup> Ibid.

Right at the beginning of its history then, the NMRA was concerned to voice the clamour of an advancing people for the right to own the land, as Luthuli later explained thus:

We had long entertained the hope that Africans would in due course be able to acquire land as individuals rather than communally, and we had long been moving away from communal ownership.<sup>522</sup>

Luthuli felt that the right to own land on an individual basis (which had been granted to various Mission Reserves of the American Board Mission) should be extended to the residents of Umlazi Mission Reserve as well. He was critical to the action taken to sell Umlazi Glebeland to the Durban Municipality and accused the Anglican Church of being guilty of a piece of unwisdom.<sup>523</sup>

Matters came to a head when the press reported that the Durban City Council had made an application to the Government through the Minister of Native Affairs for the incorporation of Umlazi Mission Reserve into the Borough of Durban.

Because it seemed as though the Government was inclining towards the Durban Corporation the NMRA decided to treat Umlazi issue as a matter of urgency. Luthuli assisted by Rev. A.H. Zulu and others first organized the people of Umlazi Mission to find out their feelings. The residents of Umlazi Mission Reserve, reported Luthuli, "were entirely opposed to the schemes of the Corporation."<sup>524</sup>

In view of these circumstances and the uncertainty of the future of the people of Umlazi Mission, the NMRA made immediate representations to the Government, through the Native Affairs Department.<sup>525</sup> Delegates from Mission Reserves in Natal met at the Bantu Social Centre in Durban on April 13, 1945 to consider the

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<sup>522</sup> Luthuli: Let My People Go, p. 65.

<sup>523</sup> Ibid. p. 64.

<sup>524</sup> Ibid., p. 65.

<sup>525</sup> Ibid.

matter.<sup>526</sup> After careful consideration the delegates unanimously decided to support, by all legitimate means at their disposal, the opposition of the residents to the aforesaid application.<sup>527</sup>

Three members were elected by the NMRA to represent Mission Reserves to the Government. These were: Chief A.J. Luthuli, Rev. G.M. Sivetye and Mr H.P. Ngwenya.<sup>528</sup> As a result of the conference a memorandum setting out fully the grounds on which the other Mission Reserves supported the Umlazi Mission Reserve was prepared and submitted to the Minister of Native Affairs.

It is proper to note that this conference was preceded by other meetings in which Luthuli and other black leaders discussed the Umlazi land issue. For that reason the views of Luthuli and those expressed specifically in the memorandum of the conference will be treated concurrently. There was an overlap of ideas and statements.

In lengthy statements Luthuli and the NMRA reiterated some of the arguments raised earlier by the Committee that represented the residents of Umlazi Mission Reserve to the Government. Luthuli and the NMRA actually discussed the salient facts regarding the original purpose and subsequent history of the Mission Reserves in Natal. In the course of the argument they expressed the highest hopes and aspirations of the black people in those Reserves. They also made a penetrating analysis of the implications of urbanizing Umlazi Mission Reserve.

Luthuli pointed out that he and others who lived in Mission Reserves felt it necessary

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<sup>526</sup> State Archives, Pretoria, Memorandum to the Native Affairs Commission from the Natal Mission Reserve Association, (Annexure D), NTS 015/56, Umlazi Mission Reserve Evidence.

<sup>527</sup> Ibid.

<sup>528</sup> Ibid.

to fully support the residents of Umlazi Reserve to fight the injustice of depriving the residents of Umlazi their mission status.<sup>529</sup> Besides they saw the Mission Reserves as one family.<sup>530</sup> Therefore, the NMRA explained, the incorporation of Umlazi Mission Reserve by the Durban City Council would be in direct conflict with the interests and rights, not only of the residents of Umlazi but of all the other Mission Reserves.<sup>531</sup>

There was a feeling that the developments at Umlazi Mission Reserve might create a precedent that would be seen as a violation of democratic principles. The NMRA made this point clear as the following extract indicates:

It would be creating a dangerous and undemocratic practice of disregarding the interests and rights of the weak and voiceless where powerful and vested interests are concerned.<sup>532</sup>

In his statement Luthuli argued that Mission Reserves had been placed by legislature under the Department of Native Affairs as Trust land.<sup>533</sup> The communities of Mission Reserves desired to retain their status.<sup>534</sup> They had paid a mission rental and felt that they had more claim on the Minister of Native Affairs than they would have on the Durban City Council.<sup>535</sup>

Stress was laid by the NMRA on the terms of the Mission Reserves Act (No. 25 of

<sup>529</sup> State Archives, Pretoria, Evidence of Chief A. Luthuli, NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>530</sup> Ibid.

<sup>531</sup> State Archives, Pretoria, Memorandum to the Native Affairs Commission from the Natal Mission Reserve Association (Annexure D), NTS 915/56, Umlazi Mission Reserve Evidence.

<sup>532</sup> Ibid.

<sup>533</sup> State Archives, Pretoria, Evidence of Chief A. Luthuli, NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>534</sup> Ibid.

<sup>535</sup> Ibid.

educational work. The Association highlighted in particular two provisions of these Acts.

Firstly, they pointed out that the intention of all Mission Reserves was clearly stipulated in each Deed of Grant as follows:

In trust for the Natives with intent and object that the said lands may be occupied and inhabited by Natives in order that the said church .... in Natal may have a fixed population to labour among as Missionaries without let or hindrance.<sup>536</sup>

The NMRA made it clear that the Deed of Grant also empowered Trustees of Mission Reserves to grant freehold titles to black residents for their holdings in Mission Reserves.<sup>537</sup> In a situation like in South Africa where Blacks could not get land elsewhere, this condition gave consolation to Blacks on Mission Reserves. They lived in constant expectation that the Trustees would ensure that the original purpose of these Reserves was honoured in letter and in spirit.<sup>538</sup>

Luthuli mentioned that the purpose and intention of Mission Reserves had been honoured since the Mission Reserves were brought into being - all Parliaments had respected their constitution.<sup>539</sup>

In their memorandum the NMRA pointed out that even the 1936 Land and Trust Act (Act No. 18 of 1936) guaranteed the security of the residents on the Reserves by leaving the general body of the Mission Reserve Act of 1903 (Act 49 of 1903) in

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<sup>536</sup> State Archives, Pretoria. Memorandum to the Native Affairs Commission (Annexure D), NTS 915/56, Umlazi Mission Reserve Evidence.

<sup>537</sup> Ibid.

<sup>538</sup> Ibid.

<sup>539</sup> State Archives, Pretoria, Evidence of Chief A. Luthuli, NTS 915/56, Umlazi Mission Reserve Evidence.

tact.<sup>540</sup> Luthuli and the Association failed to see why the Trustees were then tempted to disrespect the purpose of the 1936 Act. For that reason the Association would plead on behalf of the Umlazi Mission Reserve that that Act be not set aside.

Another provision of the original Act which the NMRA highlighted is the one that gave paramountcy and priority to the interest of black residents of each Mission Reserve. Section 5 of Act No. 49 of 1903 provided that:

Mission Reserves shall be kept for occupation solely by Natives and shall be administered for the benefit of Natives living thereon.<sup>541</sup>

In this extract the Association laid emphasis on the reading: "And shall be administered for the benefit of Natives living thereon." On the strength of this clause the NMRA argued that the Act implied that the Umlazi Mission Reserve was not meant for Blacks coming into Durban to work for industrialists and other employers of black labour.<sup>542</sup>

Luthuli saw the Mission Reserves as "cells of life" and "centres of influence" and these centres were not only available to the residents of Umlazi Mission but provided

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<sup>540</sup> The effect of the act of 1936 was to merge the Natal Native Trust in the South African Native Trust and to vest the Reserves in the South African Native Trust. Ownership of the area (Umlazi Mission Reserve) was vested in the South African Native Trust. The Reserve fell within the Local Council Area of the Umlazi District and they sent representatives to that Council. But it is of importance to note that the rights of the missionary bodies named in the respective Deeds of Grant were in no way impaired.

<sup>541</sup> State Archives, Pretoria, Quoted by the Natal Mission Reserves Association in Memorandum to the Native Affairs Commission (Annexure D), NTS 915/56, Umlazi Mission Reserve evidence.

<sup>542</sup> State Archives, Pretoria, (Annexure D), NTS 915/56, Umlazi Mission Reserve Evidence.

life to the rest of South Africa.<sup>543</sup> By this he meant that as better developed black areas. Mission Reserves strove for the "all round development of the people in education, religion, social and economic progress."<sup>544</sup> They were "bastions of modern life" for black people with a steady influence in the black peoples' forward march to western civilization.<sup>545</sup> Luthuli therefore felt that if Umlazi Mission Reserve were to come under the control of the Durban City Council it would be cut off from the mainstream of black development.<sup>546</sup>

The incorporation of Umlazi Mission Reserve would transform the rural people of the Mission into city dwellers. This according to Luthuli and the NMRA would mean that the right of the people to have a home would disappear. People would be converted into workers. In urban areas a black worker, in the words of Luthuli, was merely "a cog in the industrial machine."<sup>547</sup> In other words, the worker only lived to serve the white man's interest. Town life had proved that very few Blacks did independent work. Luthuli elaborated this point as follows:

We feel that in an urban location we are merely there as servants of the employer and not necessarily that our interest and development are paramount in allowing us to develop in citizenship as it has been laid down by the State.<sup>548</sup>

The problem of insecurity in towns was also raised by Luthuli and the NMRA in their grievances. They pointed out that urban black townships were places of residence only so long as one was employed in a European town.<sup>549</sup> The right of the dependents to reside in an urban township ceased with the death of the head of the

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<sup>543</sup> State Archives, Pretoria, Evidence of Chief A. Luthuli, NTS 915/56, Umlazi Mission Reserve Evidence.

<sup>544</sup> Ibid.

<sup>545</sup> Ibid.

<sup>546</sup> Ibid.

<sup>547</sup> Ibid.

<sup>548</sup> ibid.

<sup>549</sup> State Archives, Pretoria, (Annexure D), NTS 915/56, Umlazi Mission Reserve Evidence.

family.<sup>550</sup>

There was also a clash of values between Blacks and Whites. Luthuli argued that Blacks had a different conception of a home from that of white people. Whereas the white authorities planned to set up urban homes for the people of Umlazi Mission and those employed in Durban, Luthuli and the NMRA saw such city homes only as houses to accommodate workers on a temporary basis. Town accommodation did not provide a stable and meaningful family life to which the Blacks were accustomed in rural life. Luthuli explained hardships faced by Blacks in towns as follows:

Good as location houses may be, we can never regard them as a home, they are merely temporary resting places while one is forced to be in town to work. Conditions as they are in urban locations, do not provide for family life- even children and dependents have to live there on the strength of lodgers' permits and so on. The Umlazi people are asked to sacrifice these precious gold and diamonds they have for copper.<sup>551</sup>

The NMRA held the view therefore that their trustees could not justifiably transfer the people of Umlazi Mission Reserve to a local authority, whose primary and paramount consideration was the interest of the white residents.<sup>552</sup>

Luthuli shared the same view expressed earlier by the Committee that represented the residents of Umlazi Mission Reserve, that the people of the Mission Reserve had improved themselves economically and that their efforts were fairly creditable.<sup>553</sup> He opposed the Durban City Council's argument that they wished to acquire Umlazi Reserve partly because no development had taken place there over years.

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<sup>550</sup> Ibid.

<sup>551</sup> State Archives, Pretoria, Evidence of Chief A. Luthuli, NTS 916/56 Umlazi Mission Reserve Evidence.

<sup>552</sup> State Archives, Pretoria, (Annexure D), NTS 915/56, Umlazi Mission Reserve Evidence.

<sup>553</sup> State Archives, Pretoria, Evidence of Chief A. Luthuli, NTS 915/56, Umlazi Mission Reserve Evidence.

In Luthuli's assessment one field of economic endeavour in which Blacks had excelled was cane-farming. In cane-farming, the farmers had made appreciable progress.<sup>554</sup> The land held by 200 cane planters was officially reported as 2470 acres.<sup>555</sup> If these farmers were removed by the decision of the Durban City Council the latter would have to compensate them with 2470 acres of suitable land for cane.<sup>556</sup> Such compensation would have to be made since as Luthuli argued, it would be hardly fair to deprive the people of a profitable source of income and give them land elsewhere which could not be used for an activity which meant income to them.<sup>557</sup>

There is testimony that substantiated that Umlazi Mission Reserve was indeed economically viable for agricultural purposes. Evidence was given to the Native Affairs Commission, in 1945 by H.C.R. Meyer, Senior Agricultural Officer of the Native Affairs Department, who was stationed in Pietermaritzburg.

According to Meyer, in 1944 the value of the prairie land anywhere along the coast including Umlazi Mission Reserve was 15 pounds (about R30,00) per acre if taken as a cane proposition only.<sup>558</sup> So the caneland without the cane rights would be worth 15 pounds an acre.<sup>559</sup> The value of the agricultural holdings on the Mission Reserve was also estimated at 15 pounds per acre.<sup>560</sup> Other crop production such as vegetables could make the area worth up to 50 pounds (about R100,00) per acre in certain parts of the Reserve.<sup>561</sup> According to Meyer some of the land in the

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554 Ibid.

555 Ibid.

556 Ibid.

557 Ibid.

558 State Archives, Pretoria, Evidence of H.C.R. Meyer, NTS 915/56, Umlazi Mission Reserve Evidence.

559 Ibid.

560 Ibid.

561 Ibid.

Reserve was very valuable.<sup>562</sup>

Luthuli could not see how 2 000 acres in the Umlazi Mission Reserve could be adjusted and still provide for incoming Blacks.<sup>563</sup> Besides, if the Reserve was removed, compensating ground would have to be within the sugar belt where there were sufficient rains, and where the coastal land was flat and very near the railway for transportation.<sup>564</sup> There was also the question of grazing grounds to be considered.<sup>565</sup> Besides, the income from the planting of crops for their subsistence such as mealies and beans, was vital.<sup>566</sup>

Luthuli, showed some understanding of Durban's housing problem but believed that Durban had plenty of vacant lands that could be used without interfering with Umlazi Mission Reserve.<sup>567</sup> He was not convinced that all possible avenues had been explored in the Borough of Durban to see whether any other land could be acquired.<sup>568</sup> Besides, he maintained that since Blacks did not possess much land, it was a burden of the employers of labour and the city to make provision for housing black workers.

In spite of Luthuli's strong opposition against the sudden introduction of Umlazi people to the complicated city life, he and many people that he represented were not conservative. He believed that places like Umlazi Mission provided, as it were, a training ground, an introduction to town life.<sup>569</sup> The NMRA saw Mission Reserves,

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<sup>562</sup> Ibid.

<sup>563</sup> State Archives, Pretoria, Evidence of Chief A. Luthuli, NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>564</sup> Ibid.

<sup>565</sup> Ibid.

<sup>566</sup> Ibid.

<sup>567</sup> Ibid.

<sup>568</sup> Ibid.

<sup>569</sup> Ibid.

as Umlazi Mission, as providing the black people with a period of apprenticeship for a gradual and healthy introduction into the highly developed western civilization.<sup>570</sup> When Luthuli subsequently recorded this event some two decades later he reiterated what he had felt about this disputed territory when he said:

Umlazi housing scheme, for all its defects might well have proved a compromise between town and country, a place where Africans might have been able to learn the disciplines of city life gradually avoiding the disorientation which sudden change often brings.<sup>571</sup>

The participation of Chief Luthuli and NMRA seems to have reinforced black opposition against the plans of the Durban City Council. More weight to the protest was added again when some senior white citizens and the church leadership sided with the Blacks who opposed the expropriation of Umlazi Mission Reserve.

#### 4. OPPOSITION BY SENATORS BROOKES AND SHEPSTONE AND THE ANGLICAN BISHOP OF NATAL

Among Whites who opposed the proposed urbanisation of Umlazi Mission Reserve was Senator Dr E.H. Brookes and Senator the Hon. Dennis Gem Shepstone.<sup>572</sup> Both were members of the Anglican Church. Dr Brookes, however, did not represent the Church in the discussions about Umlazi. Mention should also be made that in December 1945 Dr Brookes was appointed by the Government as one of the members of the Native Affairs Commission. The Anglican Bishop of Natal, Leonard Noel Fisher, also supported the cause of the Blacks.

Senator Brookes fully supported the Blacks in their aspiration to retain their right to

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<sup>570</sup> State Archives, (Annexure D), NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>571</sup> Luthuli, Let My People Go, p. 67.

<sup>572</sup> Dr Brookes was M.P., Professor of History at Natal University, Rev. of the Anglican Church, author and liberal. Shepstone was Senator, 1943 - 1948. He was also a member of the Durban City Council in 1939.

own the land at Umlazi Mission Reserve.<sup>573</sup> This he made clear in the meeting of 5 January, 1945 of the Durban City Council to which he was invited.<sup>574</sup> While he congratulated the City Council at its far-sightedness to house black families employed in Durban and industrially, he saw certain complications in the proposed Umlazi scheme.<sup>575</sup> He saw the need for a much clearer indication attached to this incorporation and whether Blacks would be permitted to purchase their site.<sup>576</sup> For this reason he felt that a consultation should take place with the Blacks before the proposal to alienate the Mission Reserve came before the Government.<sup>577</sup>

Dr Brookes saw it right that the Blacks should not be moved about especially because the land was, since 1895, a recognised Mission Reserve which had been occupied by fathers and grandfathers of the Blacks of the tenants of that time.<sup>578</sup> He felt that it was not right to move the Blacks about as that would shake their confidence.<sup>579</sup> Senator Brookes suggested the use of the other land west of Lamontville Location or any other area that could be used in exchange instead of disturbing Umlazi tenants.<sup>580</sup> He pointed out that though he was not trying to raise objections he might be forced to oppose it if the Council contemplated approaching the Government for expropriation of Umlazi Mission Reserve.<sup>581</sup> Dr Brookes was fully prepared to act as an intermediary and put the Council in touch with leaders who could give the

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<sup>573</sup> Notes of Proceedings at Informal meeting between City Councillors, Durban Senators, Members of Parliament and Provincial Councillors.

<sup>574</sup> Ibid.

<sup>575</sup> Ibid.

<sup>576</sup> Ibid.

<sup>577</sup> Ibid.

<sup>578</sup> Ibid.

<sup>579</sup> Ibid.

<sup>580</sup> Ibid.

<sup>581</sup> Ibid.

Council assistance in the matter.<sup>582</sup>

Senator Shepstone was also opposed to the incorporation of Umlazi Mission Reserve. In the debate with the Native Affairs Commission, Shepstone represented the Anglican Church. He addressed the question of security of tenure stressing that Blacks and Indians attached tremendous importance to the ownership of land.<sup>583</sup> Under the conditions which obtained in South Africa, Shepstone stated, land tenure was more than security. It gave Blacks a status in the country.<sup>584</sup>

Shepstone pointed out that it was common occurrence in Durban to find detribalized Blacks prosecuted because they had nowhere to live and had no place to sleep in. For that reason Shepstone sympathized with the objection of the Blacks to parting with any system of ownership of land.<sup>585</sup>

Shepstone addressed the question of expropriation and the promise that alternative accommodation would be supplied to the community of Umlazi Mission Reserve. Experience in Natal land politics had shown that substituting Blacks with land they had lost was not easy. This was so because vested interests (White) usually objected to such land being used for black occupation.<sup>586</sup> In Shepstone's opinion it was doubtful if 7 500 acres of Umlazi Mission Reserve (actually 7521 acres) would be replaceable.<sup>587</sup>

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582 Ibid.

583 State Archives, Pretoria, Evidence of Senator Shepstone, NTS 915/56, Umlazi Mission Reserve Evidence.

584 Ibid.

585 Ibid.

586 Ibid.

587 Ibid.

Shepstone' argument on "compensation by other suitable land" seems to be valid, because the Durban City Council admitted that it had failed to find suitable land to house homeless Durban black workers. So it was unlikely that after taking Umlazi Mission Reserve the Council would find land to compensate the residents of Umlazi Mission.

But according to Senator Shepstone the situation was deeper than the handing of the Mission Reserve to the Durban Municipality. The more sensitive part was that the Blacks were being deprived of their land in order to be used to serve industry. The Blacks in the hands of Whites were being exploited, as Senator Shepstone stated thus:

It is the sense of frustration and helplessness which the Natives have felt in the past in the exploitation of the Reserves by Europeans and Indians .... and when the Native was told that he must develop in his own areas. He now sees that these have been taken over for a reservoir of Native labour for Durban. In a sense he resents being regarded as a chattel for industry and commerce.<sup>588</sup>

Shepstone felt that it would be desirable for the Native Affairs Commission to explore every avenue before it ultimately decided whether the Umlazi Mission Reserve was to be handed over to the Durban City Council or not.<sup>589</sup> The transfer of the Mission Reserve according to Shepstone would be regarded as a precedent for future expropriation of other Reserves and that was what the Blacks had to be reassured on<sup>590</sup>

The Anglican Bishop of Natal, represented the Anglican Church and strongly objected to the incorporation of Umlazi Mission Reserve. In the statement directed to the Durban City Council and the Minister of Native Affairs in 1945, the Bishop stated that the Church had sold the Glebeland so that the City Council would erect housing for Blacks and to help the Church raise funds for educational purposes.<sup>591</sup>

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<sup>588</sup> Ibid.

<sup>589</sup> Ibid.

<sup>590</sup> Ibid.

<sup>591</sup> State Archives, Pretoria, Evidence of Anglican Bishop of Natal NTS 915/56, Umlazi Mission Reserve Evidence.

The Bishop made it clear, however, that no further compromise would be made by the Mission residents for the transfer of the Mission Reserve.<sup>592</sup> He stressed that if the Reserve was handed over to the Municipal authorities the Blacks would be deprived of many rights and privileges which they then enjoyed.<sup>593</sup>

The Bishop went further to say the Blacks attached great importance to the conditions of the original Trust which provided inter-alia that:

Native, whether male or female, may acquire land in a Mission Reserve, and may be given title thereto, and such land may be held and enjoyed by such Natives and their heirs subject only to the provisions of this Act and the due observance of any rule hereunder, and of any conditions contained in the Title Deed.<sup>594</sup>

It was on the strength of the terms of the Act quoted above (so frequently cited in the Umlazi Mission land controversy) that the Bishop warned the authorities that the Blacks concerned would regard the transfer of their Reserve to the Durban City Council as a breach of the trust under which it was established.<sup>595</sup> The Bishop expressed his fear that any such step would create a deep feeling of resentment.<sup>596</sup>

In these circumstances the position of the Anglican Church was firm and uncompromising. The Bishop stated clearly that:

The church, in virtue of her great responsibility towards the residents of the Mission Reserve, is opposed to the transfer of this land on the grounds that the development of the life of the residents as envisaged at the granting of this land should continue to be the concern of the Government and the church,

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<sup>592</sup> Ibid.

<sup>593</sup> Ibid.

<sup>594</sup> Section Act No. 49 of 1903 quoted by the Anglican Bishop of Natal in NTS 915/56 Umlazi Mission Reserve Evidence.

<sup>595</sup> State Archives, Pretoria, Evidence of the Anglican Bishop of Natal, NTS 915/5 Umlazi Mission Reserve Evidence.

<sup>596</sup> Ibid.

and that nothing should be done which would prejudice the right of residents to freehold tenure.<sup>597</sup>

## 5. PROTESTS AND COUNTER-PROPOSALS BY THE AMERICAN BOARD MISSION

The American Board Mission also protested against the expropriation of Umlazi Mission Reserve. Accordingly, in 1945 it sent representatives to the Government to present their case.

The American Board Mission made it clear that they had interest in the dispute because their mission had been granted the largest number of Mission Reserves and the largest acreage when those Reserves were surveyed and set apart.<sup>598</sup> Therefore as guardians of the rights and interests of Blacks in the security of title of Mission Reserves, they had interest in any undertaking that threatened and undermined that security.<sup>599</sup>

In the opinion of the American Board Mission the breaking of the security of the title of Umlazi Mission Reserve, would shake the confidence of Blacks generally in the security of title of all the Mission Reserves.<sup>600</sup> Blacks would also lose confidence in the bona fides of the Government's attitude toward the protection of its black inhabitants.<sup>601</sup>

The representatives of the American Board Mission believed that the rejection of the scheme of the Durban City Council by Blacks expressed the unanimous feeling of the

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<sup>597</sup> Ibid.

<sup>598</sup> State Archives, Pretoria, Evidence of the American Board Mission Representatives (Annexure H), NTS 915/56, Umlazi Mission Reserve Evidence.

<sup>599</sup> Ibid.

<sup>600</sup> Ibid.

<sup>601</sup> Ibid.

residents of Mission Reserves generally and also of responsible black opinion throughout the country.<sup>602</sup>

The American Board Mission argued that the amount of land whose title was or could be held by or for Blacks was small to meet the acknowledged needs of the black population.<sup>603</sup> Therefore any subtraction from that limited amount would cause grave misgivings among the Blacks.<sup>604</sup>

The American Board Mission urged, in the light of this problem, that whenever white Municipalities required more land for the housing of its domestic and industrial labour such land be found in white areas and not from the already too small black areas.<sup>605</sup>

The view held by the American Board Mission was that the opposition of the black residents of Umlazi Mission Reserve was justified.<sup>606</sup> They shared the same views as the NMRA and other white critics that there was lack of security of tenure in towns.<sup>607</sup> Experience in other cities of the Union, like Johannesburg, had demonstrated that in townships Blacks were considered to be removable in the supposed interests of white populations which had moved in around them.<sup>608</sup>

Blacks might also have their household effects seized for non-payment of rent.<sup>609</sup> In addition they also had to obtain lodgers permits for sons over 18 years to enable

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<sup>602</sup> Ibid.

<sup>603</sup> Ibid.

<sup>604</sup> Ibid.

<sup>605</sup> Ibid.

<sup>606</sup> Ibid.

<sup>607</sup> Ibid.

<sup>608</sup> Ibid.

<sup>609</sup> Ibid.

them to continue living with their parents.<sup>610</sup>

To avert the difficulties that might arise if Umlazi Mission Reserve was incorporated, the American Board Mission made a few proposals for the future development of the Reserve. Firstly, they urged that steps be taken to enable black residents of Mission Reserves to obtain freehold title to allotments on such Reserves.<sup>611</sup> Such title was envisioned in the original grants as a natural outcome of expected progress and a goal to stimulate progress.<sup>612</sup>

Secondly, it was proposed that the Native Trust carry out any development plans that might be required in consultation with the Municipality and the black residents.<sup>613</sup> Such developments had to fall within the framework of the announced purpose of the Trust to hasten agricultural, industrial and political progress in the Reserves.<sup>614</sup> At Umlazi Mission Reserve developments would lie in the direction of improved agricultural and home industries.<sup>615</sup>

The third proposal was that self-government be worked out by the Trust with a bias toward the establishment of an urban self-government unit.<sup>616</sup> Fourthly, the American Board Mission felt that black residents of Umlazi Mission Reserve who preferred agricultural to urban industrial life should not be deprived of their agricultural allotments.<sup>617</sup> If their land was taken they were to be compensated with adequate agricultural land elsewhere. Compensation for any existing rights and

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<sup>610</sup> Ibid.

<sup>611</sup> Ibid.

<sup>612</sup> Ibid.

<sup>613</sup> Ibid.

<sup>614</sup> Ibid.

<sup>615</sup> Ibid.

<sup>616</sup> Ibid.

<sup>617</sup> Ibid.

property was also to be made.<sup>618</sup>

The American Board Mission rejected the proposals of the Durban City Council to incorporate Umlazi Mission Reserve by explicitly making three requirements, namely:

- (1) That the request of the Durban Municipality for the expropriation of the Umlazi Mission Reserve be refused.
- (2) That the Native Trust investigate the possibility of developments in that Reserve which might be to the advantage of the residents at that time and also provide for a larger population.
- (3) That the title to the land continue to be protected by the Native Trust while a stable, self-governing and home owning population was developed to the mutual benefit of the Reserve and the Municipality.<sup>619</sup>

From the account given above the Anglican and American Board Churches can be credited for the support they gave to the Blacks of Umlazi Mission Reserve in their struggle for the land. However, the Anglican Church seems to have started too late to negotiate for freehold rights for its black landholders on the Mission Reserve. Had they started with the campaign in the 19th Century (like the American Board Mission) when missionaries still enjoyed the support of the Colonial Government, the appeal would probably have been more effective.

## 6. THE COMPROMISING AND PRO-URBANISATION ELEMENTS

As indicated in the preceding chapters the majority of black people at Umlazi and other Mission Reserves were strongly opposed to the transfer of Umlazi Mission Reserve to Durban. However, there were Blacks that were inclined to enter into a compromise and accept the proposal of the Durban Municipality. Some Blacks outside Umlazi Mission even saw the urbanisation process as a feature of modern life

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<sup>618</sup> Ibid.

<sup>619</sup> Ibid.

to which Blacks had to come to terms.

Within Umlazi Mission Dr Nzimande has pointed out that the residents could be divided into two main groups, namely, the "conservatives" and the "progressives".<sup>620</sup> The conservatives were those people who were totally opposed to any form of change or negotiation whatsoever maintaining that the Mission Reserve was theirs.<sup>621</sup> The progressives, on the other hand, (to whom Dr Nzimande belonged) were those who were prepared to make a compromise and consider the transfer of the land under certain conditions.<sup>622</sup> The progressives, preferred to be incorporated under the Department of Native Affairs and not under the Durban Corporation.<sup>623</sup> The latter group, says Dr Nzimande, also saw the danger that if they resisted any form of proposal they might end up not being compensated at all for their land and lose everything.<sup>624</sup>

In 1944 Dr Brueckner of Adams Mission held the view that he would not take up a dogmatic attitude that land having once been given for Mission purposes, must never be used for any other purpose.<sup>625</sup> This view, as will be seen in the last chapter of this study, was also shared by the Broome Commission in 1947. Brueckner stated that he would be in favour of the idea of urbanizing Umlazi Mission Reserve as long as the scheme had the necessary safeguards.<sup>626</sup>

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<sup>620</sup> A.M. Nzimande: Umlazi Township, 6 February, 1988.

<sup>621</sup> Ibid.

<sup>622</sup> Ibid.

<sup>623</sup> Ibid.

<sup>624</sup> Ibid.

<sup>625</sup> State Archives, Pretoria, Evidence of Dr Brueckner, NTS 915/56, Umlazi Mission Reserve Evidence.

<sup>626</sup> State Archives, Pretoria, Evidence of Dr Brueckner, NTS 915/56, Umlazi Mission Reserve Evidence.

D Mthimkhulu and S. Ngcobo, academics of Adams High School (Amanzimtoti), also aired their views about the urbanisation of Blacks.<sup>627</sup> They felt that the future of the black man in town must definitely envisage a permanent urbanized black population.<sup>628</sup> Such people would live and work in the towns, and like any urbanized worker, have their homes and families there.<sup>629</sup> Black city dwellers would voluntarily live in separate townships which would nevertheless form part of the local authority concerned.<sup>630</sup> They would also share fully in all the city's amenities and services guaranteed by legislation.<sup>631</sup>

Mthimkhulu and Ngcobo's views, however, do show, in the first place, that they were talking as disinterested parties who were not directly affected by the eviction. Secondly, they talked of an ideal situation that could be implemented along democratic lines. Their ideas were not quite in line with what was actually prevailing in towns since legislation did not provide full citizenship rights to urban Blacks.

Comments made by some Blacks at Umlazi Mission who were interested in town life indicate that urban locations could be accepted only as long as they gave them the right to own land where they could erect houses that suited them. It would seem that home-ownership schemes for Blacks had already been launched in one township in Johannesburg, and served as a blueprint, as the following extract indicates:

We fail to see why the local authorities do not emulate the example of Johannesburg which has boldly decided to put its

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<sup>627</sup> Mr Donald Mthimkhulu was Headmaster of Adams High School, President of Bantu Teachers' Association and member of Natal Provincial Education Commission. Mr Selby Ngcobo was part-time lecturer in Sociology to non-European schools, Senior Teacher at Adams Research, Assistant to Prof. Burrows on questions pertaining to Blacks.

<sup>628</sup> State Archives, Pretoria, NTS 915/56, Umlazi Mission Reserve Evidence.

<sup>629</sup> Ibid.

<sup>630</sup> Ibid.

<sup>631</sup> Ibid.

Zuurbekom Township scheme into effect. Here Africans will be assisted in building their own houses on freehold land. The Government, under the provision of Section five (2) (h) of Act No. 21 of 1923, as amended, has agreed to this scheme.<sup>632</sup>

The quality and nature of township houses that the Durban City Council had in mind for Umlazi Mission, was a plan that was in direct conflict with the aspirations of the Black people, as the same commentator cited above, elaborates as follows:

We shall await the final settlement of this problem with great interest. In the meantime why cannot part of Umlazi Mission Glebe Lands or other lands predominantly Black occupied within urban areas be set on these experimental democratic lines? It is absurd to think that even in that post-war world in which so much is promised that is progressive and aspiring Africans will inevitably be herded together in depressing townships. In townships of dull uniform houses which engender no spirit of ownership and sense of security.<sup>633</sup>

The study of the views of the "progressives" show that in both groups (the conservatives and progressives), there was a common element, namely, they all aspired to be landowners. Whereas the conservatives wished to own land in a rural setting, the progressives aspired to move with the times and own land under urban conditions. Therefore the fact that there were conservatives and progressives did not alter the position. There was a serious disagreement between the Durban City Council and the people of Umlazi Mission. The City Council undoubtedly aimed to build a township that would house as many people as possible and in which people would forfeit their right as landowners and the residents of Umlazi Mission could not compromise if their rights as landowners were not protected.

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<sup>632</sup> Ilanga Lase Natali, 29 January, 1944, p. 9 (Housing Plans for Africans).

<sup>633</sup> Ibid.

## 7. CONCLUSION

This chapter has attempted to consolidate available evidence to make an analysis into the causes of the protests of the black residents of Umlazi Mission Reserve and other Reserves against the proposal to urbanize Umlazi Mission Station. The Blacks and their white sympathizers candidly expressed their views, sentiments, uncertainties and fears against incorporation. Some, along with their white supporters, suggested alternative solutions to resolve the crisis.

The chapter has also demonstrated that the struggle for land at Umlazi Mission was not exclusively between Black and White. There were Whites, albeit they were few, who supported the cause of the Blacks. Similarly, some Blacks, though they constituted a small element, were conditionally in favour of urbanisation.

This chapter has also shown that though the Anglican Church had been seen to be collaborating with the Durban local authority by selling the Glebeland, arguments of some of the church leaders show that the Anglican Church was clearly against any further urbanisation of Umlazi Mission Station.

It was by and large because of the forcefulness of the black and white opposition, as described, that the Native Affairs Commission asked the Department of Native Affairs to obtain certain further particulars with regard to alternative land. It also asked the Durban City Council to furnish more details of the nature of the future settlement which they had in mind in the Umlazi area.

Furthermore the Commission required to know the conditions under which the Durban City Council proposed to integrate the existing allotment holders into the new scheme which they desired to set up. It was after this information had been received that the Commission would give the matter their careful consideration.

## CHAPTER 7

## THE INVESTIGATIONS OF THE NATIVE AFFAIRS COMMISSION, 1945 - 1947

## 1. INTRODUCTION

This chapter will focus on the investigations of the government-appointed Native Affairs Commission between 1945 and 1947. The task of the Commission was to investigate the proposal that the Durban City Council should acquire the Umlazi Mission Reserve for the housing of black workers of Durban. This investigation was a direct result of the protests that had been made by various parties against incorporation, as discussed in Chapter 5 and 6.

The events that are being discussed are: the appointment of the Native Affairs Commission in 1945; some problems that had to be considered before Umlazi Mission could be urbanized; the solutions of the Durban City Council regarding queries made by the Native Affairs Commission; recommendations made by the Native Affairs Commission; problems raised by the City Council in connection with the proposed alternatives; the rejection of the request of the Durban City Council and the subsequent deadlock; the renewal of negotiations in 1947.

It will emerge from this chapter that the findings, views and recommendations of the Native Affairs Commission triggered further controversy between the Commission, the Durban City Council and other parties.

Because of misunderstandings and counter-proposals, the deliberations became protracted and inconclusive. Consequently even by 1947 the destiny of the community of Umlazi Mission Reserve regarding their land was still uncertain.

## 2. THE APPOINTMENT OF THE NATIVE AFFAIRS COMMISSION AND ITS INITIAL PROCEEDINGS

The resolution to acquire Umlazi Mission Reserve was presented by the Durban City Council to the Honourable, the Minister of Native Affairs, Mr van der Byl, at a meeting in Cape Town on 21 February 1945.<sup>634</sup> On that occasion the Minister intimated that he would send the Native Affairs Commission to Durban at the close of the Parliamentary Session to investigate the proposal in loco.<sup>635</sup>

The Native Affairs Commission was appointed before the end of 1945. It consisted of the Natal Native Affairs Commissioner (Chairman) D.L. Smir (Deputy Chairman) E.A. Conroy, Edgar H. Brookes, A.D. Payn and H. van der Merwe.<sup>636</sup> Acting on the instructions of the Minister, the Commission visited Durban in December 1945 to start with investigations on Umlazi Mission Reserve as a potential black township. The Commission made a careful inspection in loco and heard evidence between 10 and 13 December.<sup>637</sup>

Present at the sessions of the Commission were representatives of the Natal Provincial Local Health Commission, the Natal Housing Board, the Durban City Council, the Town Boards of Pinetown, Kloof, Westville and Malvern, and the Durban Joint Advisory Boards.<sup>638</sup> There were also representatives of the Church of the Province of South Africa, the missionary body associated with the Reserve, the Roman

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<sup>634</sup> Memorandum for Judicial Commission of Native Affairs in Durban (Chapter vi - ix).

<sup>635</sup> Ibid.

<sup>636</sup> Report of Native Affairs Commission, 4 April 1946, Memorandum for Judicial Commission of Native Affairs in Durban (Chapters vi - ix). Also cited in Mayors Minute, 1946, pp 15, 16 and 17.

<sup>637</sup> Ibid.

<sup>638</sup> Ibid.

Catholic Church, and the American Board Mission.<sup>639</sup> Blacks from Umlazi Mission Reserve and other Mission Reserves, were also represented.<sup>640</sup>

The Commission wanted to make quite sure that every aspect of the land problem was adequately examined. Therefore, after the conclusion of the evidence, it asked the Secretary for Native Affairs to make certain officers of the Department available to report as a Technical Committee on the Mission Reserve itself and on other possible sites in the vicinity of Durban. This Committee consisted of Mr M.R. Roberts, Senior Engineer, Mr C.A. Heald, Senior Inspector of Urban Locations, Mr R. Ashton, Native Commissioner of Durban, and Mr H.C. Meyer, Representative of the Assistant Director of Native Agriculture.<sup>641</sup>

The Commission also directed certain enquiries to the Durban Corporation. The object of these enquiries was to ascertain on what lines the Mission Reserve would be developed and what the details of the Council's proposals for resettlement and expropriation would be if it were decided to accede to the Corporations' request. The investigation of the Commission followed upon enquiries by the Provincial Administration, the Local Health Commission, the Local Authorities concerned and the Department of Native Affairs.<sup>642</sup>

### 3. SOME PROBLEMS THAT HAD TO BE CONSIDERED BEFORE UMLAZI MISSION COULD BE URBANIZED

In its investigation the Native Affairs Commission studied the historical background of Umlazi mission Reserve, particularly by first examining the Acts upon which the Mission Reserve was built. It traced that Umlazi Mission Reserve was created by Deed of Grant in 1862; and that since that date there was a continuous black

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<sup>639</sup> Ibid.

<sup>640</sup> Ibid.

<sup>641</sup> Ibid.

<sup>642</sup> Ibid.

settlement on it for many years. Though legislation, particularly Acts 25 of 1895 and 49 of 1903 (Natal) brought into effect certain alterations of detail, they confirmed the position of the area as a Mission Reserve.<sup>643</sup>

The Commission also proved that at the time of its creation Umlazi Mission Reserve was a fairly remote rural Reserve separated from Durban by three unbridged rivers (Umbilo, Umhlathuzana and Umlazi rivers). The intention, as in the case of many other Mission Reserves situated up and down the Natal Coast, was to provide homes where the Blacks might live a rural life on lines somewhat more progressive than those of the neighbouring tribal locations and with the hope of attaining some form of legal title to their lands.<sup>644</sup>

In the passage of time, however, as Durban grew industrially, the remoteness of Umlazi Mission from the city became something of the past. By 1946 the Durban Municipal boundary had been advanced to Umlazi River which formed the northern boundary of the Umlazi Mission and to some extent this, with other Native Reserves and tribal locations, had become peri-urban. The Commission's own inspection of the area, however reinforced by the statistics given by the Department's Technical Committee, led to the conclusion that there was still a rural element in the Reserve. The Commission found that in addition to sugar cane, the Reserve had valuable banana plantations and orchards comprising mangoes, avocado pears and citrus. They also discovered that not enough had been done to modernize the Mission Reserve and to further the general progress.<sup>645</sup>

These and other issues were considered by the Native Affairs Commission and representatives of the Blacks (mentioned in Chapter 5 and 6) whose rights were affected by the City Council's proposals also wanted to know the fate of the black residents on the Reserve. The Commission therefore felt the request made by black

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<sup>643</sup> Ibid.

<sup>644</sup> Ibid.

<sup>645</sup> Ibid.

representatives was reasonable and desired that the matter be submitted to the City Council with a view to further information being given on the following points:

- (a) The nature of the future settlement and approximately what proportion would be set aside for individual tenure.
- (b) Whether it was the intention of the Council to proceed with the erection of a hostel on the Umlazi Glebe Lands in terms of its programme of Post-War Development.
- (c) Whether compensation would be paid to existing allotment holders who were required to move and upon what basis. The sugar quota was an important factor and would have to be taken into consideration.
- (d) The conditions under which existing holders would be integrated into the new scheme, with special reference to the following matters:
  - (i) The extent of the new allotments.
  - (ii) Whether these would be given free of charge.
  - (iii) Title.
  - (iv) Financial assistance in the erection of dwellings in the place of those vacated.
  - (v) Grazing of stock.
  - (e) The intentions in regard to trading rights.
  - (f) What provision would be made for transport services.<sup>646</sup>

In terms of Section 10 of Act No. 49 of 1903 the Anglican Mission received one half of the rents paid by the residents amounting to (in the case of Umlazi Mission Reserve) an average sum of 918 pounds

(about R1 836,00) calculated over the past three years i.e. (since December 1945

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<sup>646</sup>

Correspondence received: Chief Native Commissioner, Natal - Town Clerk, Durban, (Annexure C) 14 December 1945, Memorandum for Judicial Commission and Native Affairs in Durban (Chapters vi - ix).

retrogressively). On this aspect the Commission wanted the Council's views.<sup>647</sup>

All these matters from the point of view of the Native Affairs Commission were to be considered by the Durban City Council and solutions found before the urbanisation of Umlazi could be effected.

#### 4. THE SOLUTIONS OF THE DURBAN CITY COUNCIL REGARDING QUERIES MADE BY THE NATIVE AFFAIRS COMMISSION

Following questions that had been raised by the Native Affairs Commission concerning problems envisaged in the transfer of Umlazi Mission Reserve, the City Council provided details on how these problems could be solved. The answers to these problems were supplied mainly by the City and Water Engineers Department. Because of his role and long experience in the affairs of Blacks, Mr T.J. Chester, Manager in the Department of Native Administration, Durban, (1937 - 1947), also submitted his observations and recommendations.

##### (a) Individual Tenure:

On the question of individual tenure Mr Chester was of opinion that until it was known by the black community that individual tenure could be obtained, it was not possible to estimate what proportion of the land would be required for that purpose. Chester was convinced that a considerable number of applications would be forthcoming and recommended that subject to applicants being in a position to meet their obligations, the Council should approve such applications without necessarily laying down a quota.<sup>648</sup>

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<sup>647</sup> Ibid.

<sup>648</sup> Correspondence received: Chester - Town Clerk, Durban, (Annexure E), 13 February, 1946, Memorandum for Judicial Commission on Native Affairs in Durban (Chapters vi - ix).

Concerning the integration of existing occupants of the Reserve into the new scheme, that, according to Chester, would depend a great deal upon the status of the individual families. Those occupants who did not follow agricultural pursuits would be absorbed into Council houses or granted individual tenure. Depending upon whether the City Council acquired the land by purchase or by special legislation so would the Council determine whether allotments would be given free of charge or not subject to the allottee bearing cost of transfer.

Mr Chester assumed that in respect of allotments being made according to the conditions that have been described freehold title would be granted.<sup>649</sup>

According to the City Engineer, in selecting Umlazi Mission Reserve, his Department had always assumed that while the future township would be essentially a dormitory suburb supplying the black labour for the southern industrial area, it would otherwise be more or less self-sufficient in trade, handicrafts and agriculture. Much, however, depended on the topography. He pointed out that the topography of the Reserve was not conducive to cheap development. There were numerous valleys and ridges which required careful planning and design. He recommended that the ridge development had to be dense (as it had happened at Blackhurst), that is lots of approximately 5,000 sq. ft. giving an overall density of 5 or 6 houses per acre. But on the other hand because of the alternating ridges and valleys, ample open space would be available in close proximity to the densely developed areas.<sup>650</sup>

The junctions of the ridges would form neighbourhood or civic centres and would be designed accordingly to accommodate shops, schools, and other public buildings. However, the City Engineer, pointed out that it was practically impossible to estimate the overall capacity of the Reserve in houses or population until detailed contour

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<sup>649</sup> Ibid.

<sup>650</sup> Report of H.A. Smith City and Water Engineer (Annexure D), 11 February, 1946, Memorandum for Judicial Commission on Native Affairs in Durban (Chapter vi - x).

surveys had been carried out to enable planning to take place. He further pointed out that if economical development was to be obtained, both the proportion and siting of the area to be set aside for individual tenure would, to some extent, be dependent upon topography.<sup>651</sup>

(b) Grazing of stock

The City Engineer believed that with the stormwater drainage, no difficulties would be experienced with stock grazing in the valley provided the areas set aside for agricultural purposes were properly fenced and fly breeding properly controlled. This would require the services of an experienced agriculture officer who would exercise a general supervision, more especially in respect of the number of cattle allowed on any particular unit or area.<sup>652</sup>

The urbanisation of the area would, in the opinion of the City Engineer, accommodate supervised agricultural development. In his opinion there was no reason why sound agricultural practice, including crop rotation should not be initiated in the area, with the object of encouraging contiguous areas to follow suit.<sup>653</sup>

(c) Trading Rights

The Native Affairs Commission had always wanted an explanation concerning measures to be adopted in connection with trading rights for residents at Umlazi Mission Reserve. According to Mr Chester trading rights would follow the principle laid down in Section 37 of the Natives (urban areas)

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651 Ibid.

652 Ibid.

653 Ibid.

Consolidation Act,<sup>654</sup> an arrangement which had proved eminently satisfactory in the City Council's existing black locations. Thus any Black who had already established himself as a trader in the Mission Reserve would be afforded an opportunity of continuing to enjoy his present rights if and when the land came within the jurisdiction of the City Council.<sup>655</sup>

(d) Transport

In considering the scheme the City Engineer pointed out that his Department had consistently advocated the building of a branch railway line as an essential to its success. Road transport might serve the early stages but could never be satisfactory as the sole means of transport. On the other hand if rail transport were provided before the scheme was initiated, considerable amounts would be effected in transport costs of the materials required for the building of the scheme.<sup>656</sup> Mr Chester's Department also supported this scheme.

(e) Umlazi Glebe Lands

Mr Chester supported the idea of the City Council to reserve at least a portion of the Umlazi Glebe Lands for future housing for black employees. This major would also help to avoid the creation of small compounds in various parts of the City, which by reason of their size could not be satisfactorily

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<sup>654</sup> Section 37 of Act No. 25 of 1945 authorized any urban local authority to let sites or buildings in black locations for trading or business purposes to the urban local authority and to Blacks if such a course was in the interests of the residents of the location or village.

<sup>655</sup> Correspondence received: Chester - Town Clerk, Durban, (Annexure E), 13 February 1946, Memorandum for Judicial Commission on Native affairs in Durban, (Chapters vi - ix).

<sup>656</sup> Report of H.A. Smith, City and Water Engineer, Durban, (Annexure D), 11 February 1946, Memorandum for Judicial Commission on Native Affairs in Durban, (Chapters vi - ix).

supervised.<sup>657</sup>

(f) Compensation

The principle of compensating occupants for the loss of their property had already been adopted in Durban. Mr Chester saw the question of compensation to be on parallel lines to the case of those Blacks who were residing on the Blackhurst Estate when it was acquired by the Durban City Council. However, in the case of Umlazi Mission Reserve, the question of sugar cane was an important factor but Mr Chester suggested that the precedent created in the case of Blackhurst Estate might well be adhered to

<sup>658</sup>

(g) Rentals for the Anglican Church

The question of rent paid by black residents on the Mission Reserve to the Anglican Church was vital. The City Council had to raise its views on the matter. It had to decide whether it was considered that the Mission should receive financial help from the Council in the event of its income falling away by reason of the Reserve being acquired by the City council. Mr Chester assumed that if the Council acquired the Mission Reserve by purchase, it would be reasonable to suggest that the Anglican Mission be paid a portion of the purchase price to compensate it for the loss of the revenue. On the other hand the City Council could get Umlazi Mission Reserve by legislation without financial adjustment. If the land was acquired by legislation, Mr Chester suggested that the City Council should consider the payment of an annual grant to the Anglican Mission. Such a grant would be equivalent to

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<sup>657</sup> Correspondence received: Chester - Town Clerk, Durban, 13 February 1946. (Annexure E), Memorandum for Judicial Commission on Native Affairs in Durban, (Chapters vi - ix).

<sup>658</sup> Ibid.

the then policy of the Native Revenue Account whereby rent was paid to the Borough Fund for land used for black housing and other purposes such as Beer Halls.<sup>659</sup>

## 5. RECOMMENDATIONS MADE BY THE NATIVE AFFAIRS COMMISSION

After carrying out their investigation and after hearing evidence from various parties (including the Durban City Council) the Native Affairs Commission submitted their recommendations to the Minister of Native affairs on 4 April, 1946.<sup>660</sup>

Because of its historical background and its rural character the Commission did not support the idea of urbanizing Umlazi Mission Reserve on the lines suggested by the Durban City Council. They wrote as follows:

The Commission's feeling has been that in view of the length of the period of occupation of the Mission Reserve and in view also of the existence of a good many other Mission Reserves on the Natal Coast, some in fairly close proximity to Durban, any change leading to the expropriation of sites and the transformation of the Reserve into an urban settlement will be most undesirable.<sup>661</sup>

Instead of the City Council's scheme the Commission considered the question of a possible alternative programme for Umlazi Mission Reserve and other Mission Reserves on the Natal Coast. However, this further enquiry which might open up valuable possibilities in the future was not immediately necessary for that present session.<sup>662</sup>

The Commission was most anxious to examine alternative sites, particularly in view

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<sup>659</sup> Ibid.

<sup>660</sup> Correspondence received: Native Affairs Commission - Minister of Native Affairs, (Annexure E), 4 April, 1946, Memorandum for Judicial Commission on Native Affairs in Durban (Chapter vi - ix).

<sup>661</sup> Ibid.

<sup>662</sup> Ibid.

of the contention of the Durban City Council that no land other than the Mission Reserve was available in sufficiently large blocks as an outlet for Blacks employed in the industries of Durban. Though the Commission had not been instructed to suggest alternative sites in case it could not recommend the alienation of the Umlazi Mission Reserve, it felt that the existence of possible alternatives should be indicated in its report in order to give a clear picture of the reasons which had influence its ultimate decision.<sup>663</sup>

In the report attached as Annexure A of the Memorandum for the Minister of Native Affairs, reference was made to alternative sites as follows:

We found that in actual fact the existing Blackhurst location could be extended to an area of 1,750 acres capable of accommodating some 7 000 houses. We found too that the existing Lamont Location could be increased to 1 460 acres, capable of carrying 4 500 houses. We found also that between Isipingo and Umbongintwini Rivers an extent of about 1 000 acres could be made available to carry some 3 000 houses. These three areas could accommodate some 14 500 houses which was nearly four times the number of houses contemplated by the Council to be erected during the next ten years.<sup>664</sup>

In connection with the transfer of Blackhurst location to Indians, the members of the Commission inspected Blackhurst and were very much impressed by it. They felt that a location of that type centrally situated, formed a very important part of any plan for the settlement of Blacks in and around Durban. For that reason they felt that it should not be interfered with but should be extended to cover the Booth Road area which was already virtually a black area.<sup>665</sup>

The Departmental Technical Committee referred also to land in the Klaarwater - Zeekoegat - Buffelsbosch area and found it to be a compact area of 3 000 acres, able

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<sup>663</sup> Ibid.

<sup>664</sup> Report of the Native Affairs Commission, Memorandum for Judicial Commission on Native affairs in Durban, (Chapter vi - ix).

<sup>665</sup> Ibid.

to accommodate 10 000 families under township conditions. If this area could be needed for subsequent black expansion and the policy underlying the new legislation should in any way be a barrier other compensating Indian land might be found elsewhere.<sup>666</sup>

The Commission found that between all these alternative propositions there was scope for providing freehold family industrial settlements in and around Durban without any need for the excision of the Umlazi Mission Reserve.<sup>667</sup>

Another important consideration to be borne in mind was that black inhabitants of the Mission Reserve were agriculturists. The Commission pointed out that should the Mission Reserve be excised it would be necessary that land of equal agricultural and pastoral value should be found somewhere in the vicinity of Durban. On that land the residents removed from the Mission Reserve would be able to carry on farming under climatic and soil conditions such as they had been accustomed to. In the opinion of the Commission such land could not be found easily and if it could be found the cost would be very great indeed.<sup>668</sup>

The Departmental Committee also showed that in Umlazi Mission Reserve there were some 950 Black families or 5 150 souls, occupying allotments of varying sizes, the total area under cultivation being approximately 2 200 acres.<sup>669</sup> The Commission felt that under these circumstances it would be difficult to integrate these people into the Municipal scheme that the Durban City Council suggested.

The Commission considered the City Council's point of view and felt that on certain points the Council had shown a real desire to meet the views of the Commission and the needs of the people. However, it found that much of the City Council's

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<sup>666</sup> Ibid.

<sup>667</sup> Ibid.

<sup>668</sup> Ibid.

<sup>669</sup> Ibid.

programme was still vague and did not meet all the difficulties of the situation.<sup>670</sup>

In view of these facts the Commission recommended that the request of the Durban City Council to acquire Umlazi be not acceded to<sup>671</sup>

## 6. PROBLEMS RAISED BY THE CITY COUNCIL IN CONNECTION WITH THE PROPOSED ALTERNATIVES

In response to the report of the Native Affairs Commission cited above the City Council submitted a report on 17 July 1946, in which it pointed out some difficulties and possibilities connected with the proposed alternatives. The City and Water Engineer, Mr H.A. Smith, pointed out that whatever might be the outcome, the report of the Native Affairs Commission would inevitably lead to a delay and a complete stoppage of the programme, unless very rapid progress in settling preliminary matters was made.<sup>672</sup>

Concerning the question of alternatives, the Council made a study of them on general lines, as follows:

### 1. Chesterville (formerly Blackhurst)

The Council accepted the idea of the extension of Chesterville which it had also proposed before. The Council had proposed the acquisition of Pillay's land but the Administrator's approval could not be obtained. A further extension had been advocated at the time the Post-War Special Committee was taking evidence. However, the total area of both these extensions together

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<sup>670</sup> Ibid.

<sup>671</sup> Ibid.

<sup>672</sup> Correspondence received: City and Water Engineer Durban - Minister of Native Affairs, (Annexure G), 17 July, 1946, Memorandum for Judicial Commission on Native Affairs in Durban, (Chapters vi - ix).

with the existing locations, would amount to less than half that suggested by the Commission (that is 1750 acres = 7 000 houses). Besides, any further extension made in this area would not be made without encountering extremely broken and rocky terrain in which construction costs would be considerably higher than the already high costs of Chesterville. Moreover the Council was also doubtful if the density per acre set out by the Commission would be reasonably attained. Whilst, therefore, from an engineering angle, some extension could take place the question of planning in connection with a major extension would seem to need consideration.<sup>673</sup>

Another important consideration about Chesterville or Blackhurst, was transport. The City Engineer explained that any form of road transport to serve the area would either have to be operated on a sub-economic basis or fares would have to be charged which would be beyond the reasonable capacity of the tenants to pay. Additional subsidy for transport would therefore be essential. Railway facilities for a scheme proposed by the Commission would have to be made available but these would be difficult and costly to provide and would necessitate a considerable amount of replanning on the route between Chesterville and Main Line.<sup>674</sup>

Railway transport would be essential also if the area between Chesterville and the summit of the Berea was to be developed to any great extent, irrespective of the requirements of Chesterville itself. So once the township was fully developed, road transport alone, could only end in chaos. The provision of railway facilities to Chesterville was not, therefore out of the question, but a decision on the point was a necessary preliminary to consideration of an extension on the scale suggested.<sup>675</sup>

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673 Ibid.

674 Ibid.

675 Ibid.

One other aspect of planning concerned the land itself. It was assumed that 1 750 acres suggested by the Commission might be insufficient to accommodate 7 000 houses. Since much land here was Indian owned, this would raise political difficulties which it would be the duty of the Government to solve and not the City Council<sup>676</sup>.

2. Lamontville

Lamont already consisted of an area of approximately 444 acres, while an additional 327 had been approved and gazetted as an extension. The area suggested amount to 700 acres additionally. Such an area might appear feasible by including approximately 700 acres northward, that is, towards Woodland, which was a European area. Such an extension would obliterate the natural feature that had been chosen as the boundary between the zones for Whites and Blacks and Native zones, without any corresponding boundary being possible. The proposal could not, therefore be agreed to under any circumstances.<sup>677</sup>

If Lamont was extended westwards onto the farm Zeekoe Valley, the City Engineer, pointed out that transport services would present great difficulty and stated further that urban development in terrain of the nature that would be encountered could not be contemplated while Umlazi Mission Reserve remained undeveloped.<sup>678</sup>

The suggestion to expand Lamont westwards would also entail acquisition from Indian owners and would seem unjustified while black lands across the river remained virtually unused. This would again be a problem for the

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<sup>676</sup> Ibid.

<sup>677</sup> Ibid.

<sup>678</sup> Ibid.

Government to solve.<sup>679</sup>

3. Area between Isipingo and Umbongintwini Rivers

The City and Water Engineer maintained that except for a small area close to the South Coast Road, this land was believed to be part of the Umlazi Location. Therefore any argument used against the acquisition of the Mission Reserve could also be used in the case of this area. Besides, physical conditions appertaining to urban development were more difficult than in the Mission Reserve, while an extra return journey of at least six miles per day would be necessary for reaching the industrial area. The City Council therefore found it difficult to justify this recommendation as sound planning unless Umlazi Mission Reserve was first developed.<sup>680</sup>

4. Klaarwater - Zeekoegat - Buffelsbosch District

Concerning this area as one of the proposed sites, the City and Water Engineer pointed out that acquiring it would have meant to dispossess Indians. Besides, much of this land was found to be steep and badly eroded. All the better land where development could otherwise be recommended, lay more than 500 feet vertically above and one to four miles away from the railway. In view of the inevitably longer railway journey and the necessity for internal transport as feeder services from the stations, the City Council found it difficult to justify this proposal even on a long term basis.<sup>681</sup>

In short the City Council could not agree to the second, third and fourth alternatives but the first alternative (that is the extension of Chesterville) was feasible either:

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679 Ibid.

680 Ibid.

681 Ibid.

- (a) in part, by utilising the areas mentioned above either one or both might be considered as a purely temporary measure and providing transport difficulties were recognised or
- (b) in toto, providing the Government accepted the onus of acquiring Indian owned land, of constructing a railway line which would serve the area contemplated. The Government would also have to provide an additional subsidy in respect of the extra expense which would be incurred in developing comparatively unsuitable terrain. It also had to recognise that such a scheme could not provide a permanent solution of the problem of housing Blacks on a family basis.<sup>682</sup>

## 7. DEADLOCK

After considering views from all sides, the Minister of Native Affairs made his final decision. He rejected the proposals of the Durban City Council to acquire Umlazi Mission Reserve and later pointed out that this had been so because the Council had presented a poor case.<sup>683</sup>

The rejection of the proposals of the City Council created a deadlock in the negotiations which made the Council to temporarily suspend its plans until the matter was reconsidered by the Government.

In 1946 the Mayor, Senator S.J. Smith, recorded this event as follows:

In connection with the Major Native Scheme at Umlazi Mission Reserve it would perhaps be recorded that the Commission appointed by the Minister of Native Affairs to enquire into the matter has reported adversely upon the proposals, primarily because of the disturbance of the black community settled under rural conditions in the Reserve. In view of the fact that no suitable alternative site exists, it is hoped that the matter

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<sup>682</sup> Ibid.

<sup>683</sup> Minutes of Council in-Committee Meeting 10 January, 1947, Durban Town Clerk File. 1/1/18.

will be reconsidered by the responsible Government authorities.<sup>684</sup>

The last sentence of the statement above shows that in spite of the frustration caused by the judgement of the Native Affairs Commission the City Council was still prepared to raise the issue of Umlazi Mission Reserve by appealing for the reversal of the decision taken by the Government.

#### 8. RENEWAL OF NEGOTIATIONS (1947)

Because of the very urgent need for houses for Blacks the Durban City Council decided not to wait too long to resume negotiations with the Government. Accordingly on 12 July 1946 the Native Administration Committee of the City Council, adopted a resolution that the Town Clerk be asked to arrange a meeting with the Natal Provincial Executive.<sup>685</sup> A deputation comprising the Chairman (Councillor Mrs E.M. Shirley), Councillor A.I. Barns, J.P. (Deputy Mayor), the Town Clerk and the Manager, Native Administration Department, would meet with the Natal Provincial executive to convey the Council's disappointment with the Minister's rejection of its application for the acquisition of the Umlazi Mission Reserve.<sup>686</sup> The aim was to obtain the assistance of the Natal Provincial Executive to have the matter reopened and reconsidered.<sup>687</sup>

As a result of representations made by the City Council to the Government, the Native Affairs Commission (consisting this time of only three members) again visited Durban during August 1947, and made a further investigation of the whole question.<sup>688</sup>

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<sup>684</sup> Mayors Minute, 1946, p.3.

<sup>685</sup> Ibid.

<sup>686</sup> Ibid.

<sup>687</sup> Ibid.

<sup>688</sup> Ibid.

Though the Umlazi Mission land issue was mainly in the hands of the Minister of Native Affairs and to some extent the Provincial Administration, in 1947, the matter was also referred to the Prime Minister, General Smuts. Smuts then saw some complications in the matter because of the provision of the Land Settlement Scheme of 1936.<sup>689</sup> He then wanted to know from the Provincial Administration what the position was about the Umlazi Mission land issue.<sup>690</sup>

In pursuing the matter the Prime Minister enquired as to whether the Durban City Council would have any objection to the land being handed over to the Native Affairs Department for housing development.<sup>691</sup> In reply, the Mayor, R Ellis Brown, intimated that the Council would be satisfied, as long as something was done to provide additional housing accommodation.<sup>692</sup>

After hearing further representations from the City Council, the Native Affairs Commission made their second report on 30 October 1947.<sup>693</sup>

Their recommendations may be summarised as follows:

- (1) That the previous recommendation against the handing over of the Mission Reserve to the City Council be adhered to.
- (2) That the extension of the Lamont Location in the direction of Woodlands (a European residential area) be discussed with the City Council.
- (3) That the Klaarwater area, which the Commission's previous report had indicated as suitable for the housing of Durban Natives, was unsuitable for

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<sup>689</sup> Minutes of Council-in-Committee Meeting of 17 July, 1947, Durban Town Clerk File No. 1/1/18.

<sup>690</sup> Ibid.

<sup>691</sup> Ibid.

<sup>692</sup> Ibid.

<sup>693</sup> Report of Judicial Commission on Native Affairs in Durban, p. 43.

that purpose.

- (4) That the area zoned for Blacks in the vicinity of Sea Cow Lake be considered in connection with future plans.
- (5) That Native village settlements under the Department of Native Affairs be established in the Mission Reserve.<sup>694</sup>

These proposals show that although the Commission adhered to its former recommendations, namely, that Umlazi Mission Reserve, should not be handed over to the City Council, it now based its recommendations upon different grounds. The basis of the previous recommendations had been that the City Council had no claim to the Mission Reserve because there was available, within and outside the City, sufficient land to meet the requirements of black housing. It became implicit in the second report that this was not really the case. The Commission seem to have realised that the proposed alternative sites were not going to meet the demands of the situation as Umlazi Mission Reserve would have done. For that reason the Commission reconsidered its views and modified its decisions.

## 9. CONCLUSION

The information and testimony studied in this chapter shows that though the Durban City Council was desperate to acquire Umlazi Mission Township for purposes of black housing, it had not worked out all the details of the scheme. Crucial questions on matters that worried the Blacks most such as land tenure, agriculture, grazing, sugar plantations etc. were not addressed in a convincing manner. The Council could not promise in absolute terms that these questions would be solved to the satisfaction of the Blacks.

Another aspect in which the Durban City Council did not come out clearly was whether the black families in the Reserve would be absorbed by the scheme (that is totally urbanised) or whether they would be compensated with other land to assist

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<sup>694</sup>

Ibid.

them maintain their rural identity.

It would not be wrong therefore to conclude that the Durban City Council had half-baked solutions for the problem. This was so because the City Council was in a dilemma. It could not build an urban township at Umlazi Mission Reserve and still accommodate black aspirations. It was for this reason that the Native Affairs Commission decided not to accede to the request of the City Council. Hence the deadlock.

However, the step taken by the Durban City Council to reverse the decision of the Government and the subsequent renewal of negotiations, shows clearly that the Council wanted its will done eventually. They desired to acquire Umlazi regardless of the wishes of the Blacks and their white supporters and also in spite of the legal protection that the Blacks of the Mission Reserve believed they enjoyed.

In these circumstances the Government found itself under pressure to yield and reappointed the same Commission to investigate the matter again. As indicated, in the second report the Commission did not do more than make a compromise by accepting the development of the Mission Reserve only on condition that it remained under the jurisdiction of the Native Affairs Department.

A close analysis of the dispute shows that the reality of the matter was that the Durban City Council was one-sided. It wished to manipulate the mission community to its own advantage and force them to abandon their rural life. Furthermore the City Council wanted to influence the Government to take the same view as the Council. The situation as it was, made it imperative for the Smuts Government to call for yet another authority that would re-assess the issue and hopefully arrive at a decision that would be in line with the requirements of the Durban City Council. Such an authority emerged in the Broome Commission whose activities and findings are discussed in the next Chapter.

## CHAPTER 8

## UMLAZI MISSION DESTINED AS A BLACK URBAN TOWNSHIP OF DURBAN, 1947 - 1948

## 1. INTRODUCTION

This chapter is the climax of this study. It discusses the work of the Broome Commission. The task of this Commission was to assist the Government by investigating once more the possibility of incorporating Umlazi Mission Reserve to Durban.

The chapter looks into the following events: the appointment of the Broome Commission; a general study by the Commission of the problems of Blacks in Durban after the Second World War; the views of the Commission about the acquisition of Umlazi Mission Reserve. The Commission made a review of the history of Umlazi Mission Reserve and it was on the basis of that historical background that the Commission made its analysis and recommendations.

This chapter shows how the Broome Commission arrived at the conclusion which influenced the government to accept the principle of urbanizing Umlazi Mission Reserve.

## 2. THE APPOINTMENT OF THE BROOME COMMISSION

The Broome Judicial Commission was appointed by the Governor-General in terms of Government Notice No. 2120 on 10 October 1947.<sup>695</sup> Mr Justice F.N. Broome K.C.M.C. was appointed as Commissioner to enquire into the legitimate needs and grievances on the black population of Durban in respect of housing, health, welfare

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<sup>695</sup>

Annual Report of the Native Administration Department, Durban, Mayors Minute, 1948, p. 118.

and recreational facilities.<sup>696</sup> Once these facts had been obtained, the Commission would then apportion the respective responsibility of the Government, the Provincial Administration and the City Council. Lastly, the Commission would have to report what action ought to be taken in regard to those matters.<sup>697</sup>

The Commission began its work on 14 November 1947.<sup>698</sup> Before this date it had invited persons and bodies desiring to furnish information to submit written memoranda not later than 18 October. Many persons and bodies who appeared to have information of value received individual attention.<sup>699</sup> Four bodies were primarily interested in the enquiry, namely, the Union Government's Department of Native Affairs, the Provincial Administration, the Durban City Council and the general body of the black population in Durban.<sup>700</sup>

The Broome Commission studied the same reports and memoranda that had been forwarded by various bodies for the Native Affairs Commission. It terminated its public sittings on 11 December 1947.<sup>701</sup>

### 3. THE FINDINGS OF THE BROOME COMMISSION

For the purpose of this study the findings of the Broome Commission shall be split into two parts, namely its findings on the problems of Blacks in Durban, in general, and secondly, its findings on the proposal to acquire Umlazi Mission Reserve.

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<sup>696</sup> Ibid.

<sup>697</sup> Memorandum for the Judicial Commission on Native Affairs in Durban (Chapters vi - ix).

<sup>698</sup> Ibid.

<sup>699</sup> Ibid.

<sup>700</sup> Ibid.

<sup>701</sup> Memorandum for the Judicial Commission on Native Affairs in Durban (Chapters vi - ix), November 1947.

(a) A general view of the problems of Blacks in Durban (1946 - 1947)

The Broome Commission began its task by first looking at the size and nature of the black population in the City and at the factors that contributed to the increase of the Blacks in Durban. It then proceeded to study the needs and grievances of the urban Blacks.

The Commission found that the black population of Durban had increased phenomenally after the Second World War. According to the Government census in 1946 the black population in the city was 75,632 males and 28,523 females making a total of 104,155.<sup>702</sup> In the same year it was found that the white population was 125,056 and the Asiatics were 113,901.<sup>703</sup>

The Government Department of Native Affairs estimated that in 1946 the permanent urbanized population of Durban was about 26,000 leaving a balance of about 77,500 representing a migratory population.<sup>704</sup> This estimate was a very rough approximation.

The Commission found it difficult to form any accurate idea as to where Durban's black population was housed. However, in the table below, the Commission found that estimates made by the Government Department of Native Affairs, the Durban City Council and the Natal University College Department of Economics, showed that there was a wide margin in regard to which there was no reliable information whatever.<sup>705</sup>

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702 Report of the Commission of Native Affairs in Durban, November, 1947.

703 Ibid.

704 Ibid.

705 Report of the Commission on Native Affairs in Durban, November, 1947.

TABLE SHOWING THE HOUSING OF DURBAN'S BLACK POPULATION BY 1947

1.	Municipal locations: .....	11,000
2.	Municipal hostels: .....	12,000
3.	Municipal hostels (casuals) .....	2,000
4.	Government compounds .....	8,000
5.	Private employers (licenced premises) .....	10,000
6.	Private employers (unlicenced premises) .....	5,000
7.	Licenced premises (not employed by licencee) .....	2,000
8.	Domestic servants .....	27,000
9.	Black owned property .....	500
10.	Shacks .....	23,000
11.	Unknown .....	7,000
	TOTAL: .....	109,000 <sup>706</sup>

These figures reflect not only the rapid increase in the black population in Durban but the fact that many Blacks lived in shacks.

The Commission found that the existence of the shack areas, constituted, to the health of all races in and around Durban, a deadly menace which had to be removed at once.<sup>707</sup> According to the Commission the solution of the shack problem was two-fold, namely adequate housing had to be provided for

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Ibid.

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Report of the Commission on Native Affairs in Durban, November, 1947.

23,000 shack-dwellers and their shack dwellings had to be demolished.<sup>708</sup> The City Council had to provide at once an area where the shack dwellers could be accommodated pending the erection of the necessary houses. Such an area had to be prepared in advance in the way of access, lay out, water supply, sanitation and to some extent drainage.<sup>709</sup>

However, the Commission suggested that shack clearance and rehousing of Blacks could only succeed if further influx of Blacks into the Durban Municipal area came under control. The Commission argued that it was no use building expensive locations for Durban Blacks if they were to be swamped by Blacks from outside.<sup>710</sup>

The Commission considered many suggestions made as to the best site for the transit camp or controlled squatting area that would precede permanent housing. The City Council favoured a portion of the Umlazi Glebe (which it had earmarked in 1945 as indicated earlier) and the Commission was satisfied that this area was the most suitable.<sup>711</sup>

However, Umlazi Glebe was also earmarked as one of the best available areas for permanent black housing. The objection was therefore that its use as a transit-camp might prevent or delay the erection of permanent houses there.

Engineering experts, however, assured the Commission that the Glebe land could be partitioned into two separate areas for transit-camp and permanent housing. The two parts would not interfere with the other and much of the development work would be common to both. It was possible also that as the

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708 Ibid.

709 Ibid.

710 Ibid.

711 Report of the Judicial Commission of Native Affairs, Durban, November, 1947.

transit camp grew smaller, so would the permanent housing scheme be extended. It was hoped that the need for the camp would eventually completely disappear and the whole area would be devoted to its best use.<sup>712</sup>

By way of answering the vital question:-

"Where are these houses to be built?"

The Broome Commission examined the question of the acquisition of Umlazi Mission Reserve where the Durban City Council claimed, lied the answer to all its black housing problems. The Commission examined the issue of Umlazi Mission Reserve in some detail with the double object of forming an opinion as to the validity of the Council's claim to the Umlazi Mission Reserve and finding an answer to the question. The way would then be clear for the making of recommendation as to the steps to be taken.

(b) The Broome Commission's views about the acquisition of Umlazi Mission Reserve

Like the Native Affairs Commission that preceded it, the Broome commission also based its views about Umlazi Mission Reserve upon its historical foundations. It found that the Mission Reserve was granted in 1862 by the Crown to trustees in trust for Blacks. The intent and object for that grant was to invite Blacks to occupy and inhabit such lands so that the Church of England in Natal might have a fixed population to labour among as missionaries.<sup>713</sup>

Three conditions of the original deed of grant became relevant and therefore of interest to the Commission, namely that:-

- (1) the Reserve was to remain reserved for the use of Blacks to dwell

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<sup>712</sup> Ibid.

<sup>713</sup> Ibid.

- (2) the Lieutenant-Governor was empowered (upon application of the trustees, to allot and transfer to Blacks resident at any time of the land portions thereof as to him might seem fit and at such price as he might think fair and equitable.)
- (3) the Lieutenant-Governor was empowered to order or cause to be removed any Black living unlawfully on the Reserve, save and except such Blacks as might have had portions of land allotted or transferred to them.<sup>714</sup>

According to these conditions no freehold titles were granted by the original trust. To the Commission this meant that legally, the black residents on the Reserve had no claim that they could not be transferred from the land. Accordingly the Commission noted as follows:

So far, therefore, as the deed of grant is concerned, every native on the land is subject to removal there from by the Lieutenant-Governor on the application of the trustees.<sup>715</sup>

The Broome Commission went on to study the Acts of 1895 and 1903. It found that according to Act 25 of 1895 all Mission Reserves in Natal were brought under statutory control. The Governor-in-Council was given power to make rules regulating the use and occupation of lands therein and to appoint trustees, and all Mission Reserves were deemed to be a part of the Colony from which the Supreme Chief (the officer administering the Government) might remove any tribe, portion of a tribe or Blacks. The right of Blacks to acquire freehold title was expressly preserved.<sup>716</sup>

The Act of 1895 was repealed by Act 49 of 1903, which up to the time of investigation (1947) was still in force. This latter act made the Natal Native

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714 Ibid.

715 Ibid.

716 Ibid.

Trust the trustees and declared that all Mission Reserves should be kept for occupation solely by Blacks and should be administered for the benefit of the Blacks living thereon according to the intentions of several deeds by which the Reserves had been granted. The Natal Native Trust was granted complete control of the Mission Reserves, but the Governor in Councils' power to regulate was preserved.<sup>717</sup>

The supreme chief's power to remove any tribe, portion of a tribe or Black was also preserved but had to be exercised in conjunction with the Natal Native Trust. Again the Commission found that nothing was said about freehold title. However, in the case of Umlazi Mission Reserve that right was impliedly preserved with the preservation of the terms of the original grants. Finally by Act 18 of 1936 the Natal Native Trust was merged in the South African Native Trust.<sup>718</sup>

As far as the Commission interpreted the original Acts, therefore, there was no indication that Umlazi Mission Reserve would remain a rural area on a permanent basis, as they noted thus:

Your Commissioner can find nothing in the deed of grant, nor in the legislation to which reference has been made, which restricts the Mission Reserve to rural uses.<sup>719</sup>

However, the Commission appreciated the fact that all parties to the original transaction contemplated rural uses only, for in 1862 no one had yet thought of the black man except as a rural being. Besides, in 1862 and for many years thereafter the Umlazi Mission Reserve was a long way from Durban. The Reserve was separated from the town by three unbridged rivers and

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717 Ibid.

718 Ibid.

719 Ibid.

many miles of agricultural land and virgin forest.<sup>720</sup>

By 1946, however, the geographic scenery of the 19th century had completely changed as a result of the industrial and commercial developments that had taken place south of Durban.<sup>721</sup> The Commission noted this change of scene in some detail as follows:

Today the position is very different. The Municipal area has advanced to the Umlaas River and has even crossed the river to take in the Umlazi Glebe; Lamont Native Location is now its next door neighbour; large modern factories are already within sight and sound; in a short time aircraft from all parts of the world will be flying over it as they pass to and from one of the largest airports in the country only a few miles away. The flowing tide of urban development is engulfing the cane fields, market gardens and country estates and is already lapping the shores of the Reserve itself. Whether one welcomes it or deprecates it, one cannot but accept the fact that the peaceful rural seclusion of the Umlazi Mission Reserve has now gone forever.<sup>722</sup>

The Commission's point of view was therefore that the urbanisation of the Reserve could not be avoided. Besides, it found that there were about 950 families of 5,150 souls occupying 7,500 acres. The total area under cultivation was approximately 2,200 acres only. In 1943 more than 300 of the inhabitants of the Reserve were season ticket commuters and by 1946 this number was probably greater.<sup>723</sup>

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<sup>720</sup> Ibid.

<sup>721</sup> Ibid.

<sup>722</sup> Ibid.

<sup>723</sup> Ibid.

All these facts meant that this community was being urbanized. In these circumstances the Broome Commission made three propositions:

- (1) The Umlazi Mission Reserve had to be dedicated for all time to the use of the Blacks. Any other course would violate the latter and the spirit of the original trust and of the subsequent legislation.
- (2) The future development of the Reserve had to be upon urban and not rural lines. This change was dictated by the inexorable march of time and it would in no way violate the latter or the spirit of the original trust.
- (3) The urban development of the Reserve had to include facilities whereby a proportion of the inhabitants might eventually obtain freehold title. This was in accordance with the terms of the original trust and with the needs and aspirations of the Blacks at that time.<sup>724</sup>

The Broome Commission also examined the dispute between the City Council and the Department of Native Affairs as to the future of the Mission Reserve. It found that in its second report the Native Affairs Commission had accepted the urbanisation of the Mission Reserve as inevitable. However, the Native Affairs Commission had recommended that the urban development of the Reserve should be in the hands of the Department of Native Affairs and not of the City Council.<sup>725</sup>

In this report there was also an implied acceptance of Durban's right to look to the Mission Reserve as the future housing area of a considerable portion of its black population even though the area would not be under the Durban Municipal control.<sup>726</sup>

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<sup>724</sup> Ibid.

<sup>725</sup> Ibid.

<sup>726</sup> Ibid.

It became clear to the Broome Commission that the dispute between the two had been considerably narrowed (since in the first report, as already indicated, the Native Affairs Commission had rejected altogether the proposal to acquire Umlazi Mission Reserve) especially because the City Council was not primarily concerned about who could administer the new township. To the City Council what was of paramount importance was the acquisition of the Reserve so long as houses for Blacks were built there.<sup>727</sup>

However, expedition was important because the black housing problem had to be solved without delay. The Commission fully agreed with this view. It was prepared to recommend, for the urbanisation of the Mission Reserve, that scheme which gave the best promise of providing houses for Durban Blacks in the shortest time, subject of course, to the rights of Blacks already on the Reserve.<sup>728</sup>

The Broome Commission nevertheless recommended that whatever facilities the Mission Reserve might provide, the City Council was bound to develop what other resources were available. These consisted of the extension of Chesterville and Lamont and the ultimate acquisition and development of land in the Richmond area.<sup>729</sup>

Umlazi Glebe, just like the Mission Reserve, from a topographical point of view and because of proximity to Durban's main industrial area, was admirably suited for black housing purposes. However, it was the only land which could be used for controlled squatting measures which the Broome Commission regarded as essential.<sup>730</sup>

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727 Ibid.

728 Ibid.

729 Ibid.

730 Ibid.

But the City Council did not intend to devote the whole of the Glebe to controlled squatting but to proceed with the erection of some 700 permanent houses. Much of the development of the area such as the provision of roads, water, etc. would be common to both schemes, and so both could proceed side by side.<sup>731</sup>

The Native Affairs Commission contemplated that houses should be built on an economic basis and that the occupiers should be enabled eventually to obtain freehold title. Though such a scheme might be laudable, however, the Broome Commission did not think it was what Durban needed. What Durban was looking for was the immediate provision of houses for her black residents. But what the Native Affairs Commission had in mind was the gradual urbanisation of the Mission Reserve. Whereas Durban's need was for the sub-economic houses in large numbers and immediately the Commission planned for economic houses on a long term basis.

However, in the opinion of the Broome Commission both authorities had to come to some common agreement because they were both responsible for the welfare of the Blacks. Thus every consideration of common sense demanded that the two authorities should regard their separate problems as one joint problem and agree upon a joint solution, as the Broome Commission further reported thus:

Let them agree upon a method of urban development - by which authority does not much matter - which will meet the legitimate needs of the Natives living on the Mission Reserve, and at the same time make a very substantial contribution towards the housing of Durban Natives.<sup>732</sup>

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Ibid.

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Extract from the Report on "The Umlazi Mission Reserve" in the Report of the Judicial Commission on Native Affairs in Durban, November, 1947.

The Commission pointed out that such a method would necessarily involve the erection of a large number of sub-economic houses in the shortest possible time. It had also to include the erection of a smaller number (the actual number being dependent upon the demand) of economic houses of which the occupiers might in due course become owners. This was for the benefit of those Blacks on the Mission Reserve, or in the Reserves, or in Durban itself who needed that type of house. In the former part of the undertaking, that is the sub-economic housing, time was the essence whereas in the latter it was not.<sup>733</sup>

An important factor which could not be overlooked by the Commission was general black sentiment. The general feeling of Blacks in the Reserve was that the Durban City Council had to solve its housing problems by providing houses for Blacks elsewhere.

Though the Commission did not agree with that view it was probably widely held among Blacks. For that reason if there were a change of ownership and it were not accompanied by the substitutions of other land in exchange, black sentiment would not merely be shocked but might even be outraged. However, the Commission felt that such a reaction would not take place if the development of the Mission Reserve took place in the lines indicated above, as this would involve no violation of the letter or spirit of the original trust.<sup>734</sup>

But if there was a change of ownership the Commission recommended that it ought to be accompanied by the provision of other land in substitution. This would be a matter of some difficulty.

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<sup>733</sup> Ibid.

<sup>734</sup> Ibid.

From the above discussion the Broome Commission made five further propositions. These were:

- (1) The City Council did not have available within the Borough sufficient land to meet the immediate and imperative demand for black housing. The extension of Chesterville and Lamont, and the development of a portion of Umlazi Glebe, would still leave a considerable shortfall.
- (2) In all the circumstances, the City Council was entitled to look to the Umlazi Mission Reserve to make up the shortfall. It was the pressure of Durban's expansion that made the urbanisation of the Reserve necessary; its urbanisation was therefore a joint problem which had to be jointly solved. Objection to such a transfer was purely sentimental.
- (3) It followed that the urbanisation of the Reserve had to be in the hands of the Native Affairs Department.
- (4) In as much as the urbanisation scheme recommended by the Native Affairs Commission in their last report would not meet the needs of the Durban City Council, it was essential that the scheme be modified. This was inescapable.<sup>735</sup>

After these suggestions had been drafted the Commission held informal discussions on the subject of modification with the representatives of the Native Affairs Department, the Provincial Administration and the City Council. They agreed that the modification would take place along the following lines:

- (1) Houses of sub-economic type would be built so as to meet Durban's requirements by providing them in substantial number and with the least possible delay.
- (2) The Commission was promised that the Provincial Housing authorities

would be prepared to undertake the actual erection of these sub-economic houses.

- (3) Not the whole Mission Reserve would be urbanized on that basis but the Commission had in view a dual scheme of urbanisation. One part would be on the lines recommended by the Native Affairs Commission in its last report so as to provide economic houses, and the other part would provide sub-economic houses so as to satisfy the requirements of the City Council.
- (4) The first scheme (that is, economic housing) would proceed deliberately, with experimentation in the employment of black artisans, and otherwise, and with the object of eventual freehold title and some form of local self-government. The second scheme would proceed with immediate effect.
- (5) This dual scheme would undoubtedly necessitate some partition of the Reserve. It would also necessitate the closest co-operation between the Native Affairs Department and the City Council. This was essential because the sub-economic portion of the scheme would have to proceed and conform to the City Council's requirements, and the City Council would have to make available the supply of water and electricity.<sup>736</sup>

The Broome Commission pointed out, however, that there were difficulties to be anticipated and which could not be surmounted in advance. Some of these were, for instance, the incidence of the sub-economic loss. There was also the question of access by rail which would bring in the Railway Administration as an interested party. There was also the question of whether the sub-economic portion of the scheme should share in any form of local self-government that might be devised. These difficulties were, however, amenable to negotiation and arrangement.<sup>737</sup>

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<sup>736</sup> Ibid.

<sup>737</sup> Ibid.

To sum up his report about Umlazi Mission Reserve the Commission once again emphasized the need for expedition as follows:

Unless the sub-economic portion of the scheme can be put in train as the first priority by the authorities concerned, the urbanization of the Reserve will not make to the solution of Durban's critical Native housing problem, the substantial contribution which it should make and which the City Council is entitled to expect it to make.<sup>738</sup>

From the foregoing discussion it is clear that the urbanisation of Umlazi Mission Reserve was seen to be essential as a result of economic forces dictated by time. It is clear too that in spite of these economic pressures, the Broome Commission was considerate and showed a willingness to make a compromise to meet black aspirations to some extent. Firstly, it did not recommend change of ownership. In other words the Reserve would remain a black area as it had been for decades. But unlike the Native Affairs Commission which had insisted on the preservation of the rural character of the Mission Reserve, to the Broome Commission this was out of the question. Umlazi could not hope to remain rural while it was a close neighbour of an urbanized environment. The Broome Commission made this point clear in the following argument:

Those who oppose the urbanisation of the Reserve would have a stronger case if they could point out to a thriving, closely settled community subsisting entirely upon a rural economy.<sup>739</sup>

Therefore the black community of the Reserve, which had in any case started to taste urban life to some extent, would be fully urbanized.

The other compromise which the Broome Commission seem to have made was to recommend that provision be made for houses of economic standard. Such

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738 Ibid.

739 Ibid.

houses could be occupied by that class of Blacks that resented being put in sub-economic houses (houses of a uniform nature). To some extent this measure met the aspirations of the "progressive" element of the Umlazi Mission community.

#### 4. IMPLEMENTATION OF THE BROOME COMMISSION REPORT AND CONDITIONS OF URBANISATION

After completing his work, the Commission, Mr Justice Broome, issued a report on his findings and recommendations on 31 January 1948.<sup>740</sup> On that basis the City Council made its resolutions. Pertaining to the acquisition of Umlazi Mission the Council recommended that:

- (1) the establishment of a controlled squatting camp on the Corporation owned Umlazi Glebe Lands be agreed to in principle. The Blacks be permitted to erect their own dwellings to an approved standard with rudimentary water and sanitation facilities provided by the Corporation;
- (2) the proposed urbanisation of the Umlazi Mission Reserve by the Government was commended. That the City Council would co-operate in providing services therein, subject to satisfactory services therein.<sup>741</sup>

The City Council also found it essential as a part of the policy for the influx of Blacks to be controlled.<sup>742</sup> It also resolved to obtain effective powers to demolish any new shacks erected.<sup>743</sup> Additional land would be obtained where temporary housing of shack dwellers could be permitted.

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<sup>740</sup> Mayors Minute, 1948, p. 118.

<sup>741</sup> Ibid.

<sup>742</sup> Ibid.

<sup>743</sup> Ibid.

Subsequently the principle of the urbanisation of the Umlazi Mission Reserve was accepted by the Government and it was proposed to commence with the building of 3,000 houses for Blacks on the Reserve in accordance with that principle.<sup>744</sup> However, the question of the use of a portion of the Reserve for the transitional accommodation of black shack dwellers within the city, in addition to the relatively small area of the Umlazi Glebe Lands, became the subject of discussion with the Government. The City Council urged upon the Government that the temporary use of part of the Mission Reserve for that purpose was a problem presented by the large number of illegal shacks of Blacks in the city.

A conference was held in Pretoria on 7 April 1948, under the Presidency of the Minister of Health when the subject of the temporary utilisation of 1,000 acres of the Umlazi Mission Reserve was considered.<sup>745</sup> In order to implement the findings of the Commission, on 23 November 1948, the City Council appointed the Deputy Town Clerk and legal advisor and the Acting Manager, Native Administration Department, to work on the first phase of the project. Their function was to discuss with the Urban Areas Section of the Union Native Affairs Department the legal and administrative difficulties relating to the establishment of a transit camp on the Umlazi Glebe Lands.<sup>746</sup> However, after an inspection of the area and full consideration of the subject the Minister of Native Affairs was unable to authorize such a scheme.<sup>747</sup> The Council directed that further representations be made to the Hon. the Minister of Public Health and Native Affairs, or, if necessary the re-appointment of the Broome Commission to investigate the position.<sup>748</sup>

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744 Ibid.

745 Ibid.

746 Ibid.

747 Ibid.

748 Ibid.

There followed negotiations between the Native Affairs Commission, the Blacks of the Mission Reserve, and the Mission Reserve Association when the principle of closer settlement of the Reserve was agreed to.<sup>749</sup> The following definite conditions of urbanisation were accepted:

1. Umlazi Mission Reserve land would not be transferred by the South African Native Trust to the Durban Corporation.
2. The establishment of closer settlement areas would be carried out by the Union Department of Native Affairs in three ways, namely:
  - (a) By the provision of plots with individual title;
  - (b) By the provision of dwellings on a leasehold basis with option to purchase after a qualifying period; and
  - (c) The provision of houses for letting only (sub-economic).
3. Existing Mission Reserve residents dispossessed of their holdings would be given preference in the allocation of sites and be permitted to acquire individual title.
4. Such dispossessed residents would be paid compensation.
5. Mission Reserve residents retaining their holdings would not be given sites in the developed areas.
6. No promise could be given that residents in the developed areas would be given grazing in the remainder of the Reserve but the matter could be considered later.
7. People from outside the Mission Reserve would be admitted to the developed area but, to ensure that only suitable persons entered there would be full consultation with representatives of the Blacks when considering applications.
8. Opportunity would be afforded to the residents to develop their own local government.
9. Details regarding the above matters could not be given at the time of the

discussions but they would be worked out later in consultation with the black people.<sup>750</sup>

## 5. CONCLUSION

The decisions adopted by Government in 1948 as discussed above marked the end of controversy between the Government and various bodies about the future development of Umlazi Mission lands. There were of course some Blacks and their white sympathizers who were still opposed to the action that was being taken. However, such opposition at this juncture was purely sentimental and could not be entertained.

The Broome Commission started its work shortly before the coming to power of the National Party Government. The ruling United Party of General Smuts was ousted from power in May 1948 and in that way the future of South Africa and therefore of Umlazi Mission fell into the hands of Dr Malan's National Party.

From the account given above it is clear that since 1942, much had been done under the Smuts Government to negotiate and shape the future of Umlazi Mission Station and Reserve. Everything seem to have pointed to one direction, that the area was well on the road towards urbanisation and it was most unlikely that the new Government would wind the clock backward. Consequently when the conditions of urbanisation were finally proclaimed in November 1948 the reigns of power were in the hands of the National Party Government.

It would not be wrong therefore to say that the new Government followed in the footsteps of the previous Government when it accepted and endorsed the recommendations of the Broome Commission. However, the National Party had its own political philosophy and the urbanisation of Umlazi Mission would follow a different social programme based on the Nationalist Party ideology. Thus Umlazi Mission, after close to a century in existence as a rural area, was destined to become a black township as part of Greater Durban.

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<sup>750</sup>Ibid.

## CONCLUDING REMARKS

The land problem of Umlazi Mission Station and Reserve, which culminated in the declaration of the territory as a future black township of Durban, is a manifestation of an interplay of forces all of which contributed in shaping the destiny of the Mission Station and its people.

Firstly, Umlazi Mission Station was a victim of its geographic position. As indicated, Umlazi Location, in which the Mission Station was founded, was a coastal area. That alone aroused jealousy and disputes among white settlers. Thus the nearness of the mission station to white areas made the area vulnerable to white infiltration.

In later years the close neighbourliness of Umlazi Mission Station to Durban proved to be a blessing and a disadvantage at the same time. The town offered jobs to some residents of the Mission. However, because the Mission station was situated only 16 kms south of Durban, it could not stand isolated as a rural area for ever. The fast industrialisation of Durban highlighted a principle and set in motion a process whereby the extension of boundaries and absorption of adjacent areas became a corner stone of the emerging development. The south coast became an important industrial growth point. Also various formerly autonomous areas were incorporated under Durban. This development process was to include Umlazi Mission station by virtue of its proximity to the urban infra structure mushrooming at its door step.

Thus the geographic location of Umlazi Mission can be regarded as the primary factor in the subsequent land related problems and events. Had the Mission Station been situated a longer distance from Durban (say 50 kms upwards) like Imfume and Umtwalume Missions in the South Coast, and Umvoti and Maphumulo Missions in the North Coast, the value of the territory as a potential urban settlement would probably have been less or totally non existent.

Secondly, the events described in this study, show that Umlazi Mission was a victim of religious and theological misunderstandings. Internal problems in the Anglican

Church created a poorly motivated leadership and a divided and weak administration. Consequently the material interests of the Black tenants on the Umlazi Mission Reserve were not safeguarded by the church. Hence the church failed to secure freehold rights for land for its followers. Had the church done its duty in the 19th century to secure individual titles for its black land holders, the Black residents, backed by the legal documents, would have had a strong leverage to support their case. In the 1940's when the Church eventually demanded that Umlazi people should be given the right to own the land, such a protest had no impact. The church had been overtaken by events. Thus the people's request could not be entertained at that stage.

Thirdly, this study demonstrates that Umlazi Mission was a victim of social developments in Durban. Over the years Durban faced a huge black population for whom no adequate provision had been made in housing and other facilities. It was seen that the homelessness of black urban masses resulted in social problems that the Durban City Council had to contain.

But the social problems of Durban had another side. They played a significant role in the decision to urbanise Umlazi Mission. The mission was seen as the place that could alleviate Durban's social problems.

Umlazi Mission was also a victim of political and ideological factors. As a conquered race the Blacks in Natal had lost their political independence and were then at the mercy of their white masters. With the creation of Black Locations and mission stations the Blacks received only those benefits the British Government felt were good for them.

As regards land ownership rights, British policy was erratic and inconsistent on Mission Reserves. Consequently the missionaries used their individual discretion in deciding whether or not their converts would have titles for the land they occupied. The people of Umlazi were denied the privilege of legally owning land on an individual basis. This was because neither the colonial government nor the missionaries took the initiative to do that.

The political impotence of the Blacks also manifested itself after Union with the imposition of the Native Land Act of 1913. Deprived of farming and pastoral land, Blacks flocked to the towns where they were absorbed by industry as urban workers. Yet by law Black workers in towns were "temporary sojourners" whose homes were in the Reserves or Locations. Consequently the Local authorities took time to accept Blacks as permanent town residents who thus deserved full citizenship rights. In Durban the response to provide Blacks with the necessary accommodation was slow. When eventually the problem was seriously addressed, it was almost out of proportion to available resources. The Durban City Council had to decide under pressure to find suitable land to house the Blacks. Umlazi Mission Station was therefore a victim of this protracted political indecision.

Another political dimension in the land problem of Umlazi was that land suited to house Durban Black workers was ignored because it was white owned. Whites who enjoyed political power could veto in Parliament any decision that would endanger their interest. Blacks became easy prey in these circumstances. Umlazi Mission land was chosen to satisfy the needs of white Durban, yet it was the Black people who had to make the sacrifice in terms of land.

This political limitation was apparent in the concluding statement of the Natal Mission Reserve Association when they said:

We are a conquered race. We are inarticulate "children". As such almost anything may be done with or to us.<sup>751</sup>

Generally Blacks attributed their problems to the fact that they enjoyed no political rights. Some even saw it as a futile exercise to demand certain rights if they were not represented in Parliament. Commenting in the "Ilanga", one Black warned his black compatriots who had purchased land near urban areas as follows:

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<sup>751</sup> State Archives, Pretoria, Evidence of the Natal Mission Reserve Association, NTS 915/56, Umlazi Mission Reserve Evidence.

According to the laws of the Province of Natal, the Provincial Administrator is under no obligation to accept any petition made by non-parliamentary voters. That is us. We have no vote gentlemen even if we make petitions.<sup>752</sup>

The developments at Umlazi Mission especially in the 1940's is also a reflection of modern economic trends in the development of metropolitan areas. The study highlighted the problems usually faced by communities in regions having to undergo massive industrialisation. The urbanisation of such communities is usually a natural response to changed economic conditions. This problem is a characteristic of all industrial towns, not only in South Africa, but also throughout the world. The historian, de Kiewiet, points out that the growth of towns and a decline in rural population is a sign that a country is becoming more prosperous and more advanced in its economic structure.<sup>753</sup> He further explains that since the Second World War, New Zealand, Australia and some of the older countries of Western Europe, have all experienced an exodus from rural to urban areas.<sup>754</sup>

Rural-urban migration presents, in most cases, many problems for local authorities concerned. One of these problems is town planning. In the interest of the entire urban community, the town planners have to consider how to accommodate infra-structural projects such as industry, business, roads, residential facilities and so on needed by town. Land is usually a crucial issue in town planning since all urban projects can only be developed on new sites.

The building of residential areas to house the town's manpower is also vital. In a potentially industrial town, such as Durban, black housing becomes a crucial issue. Building proper houses on a massive scale becomes inevitable because mass and unsystematic urbanisation of people leads in most cases to the proliferation of informal settlements around the city. This, as indicated, is what happened in Durban

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<sup>752</sup> Ilanga Lase Natali, 24 May, 1941, p. 9. (Ingozi kwabathenge eMadolobheni)

<sup>753</sup> C.W. de Kiewiet : A History of South Africa, Social and Economic, p. 195.

<sup>754</sup> Ibid.

in the squatter areas of Cato Manor and Booth Road.

To extend urban development and to contain social problems that usually arise in neighbouring areas, it becomes necessary to incorporate certain areas under municipal control. The phenomenon of urbanising rural areas or informal settlements situated close to town causes conflict between local authorities and the people inhabiting such areas. The commission appointed to consider and report upon the extension of boundaries in Durban stressed this point as follows:

The attempt to unite these to the parent body leads inevitably to friction and to controversy, often of a protracted nature.<sup>755</sup>

The extension of boundaries in highly industrialised towns has become common practice. Besides Durban, other centres in South Africa which have faced similar issues are Cape Town, Johannesburg and Pretoria.<sup>756</sup> In the case of Cape Town and Johannesburg, the extension of boundaries has taken place on a considerable extent.<sup>757</sup>

The dispute and controversy that arose from the incorporation of Umlazi Mission under Durban was a result of this economic process.

It is noteworthy, however, that although the land problem of Umlazi Mission was a result of a combination of many factors, it was seen by the Smuts government as a social problem emanating from changed economic conditions. It was mainly because of this reason that the Government of the day left the problem to such bodies as the Durban City Council, the Provincial Administration, the Housing Boards and Commissions.

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<sup>755</sup> Report of a Commission Appointed to consider and report upon Extension of Boundaries N.O.P. 8/1/8.

<sup>756</sup> Ibid.

<sup>757</sup> Ibid.

For almost seven years (1942-1948) these bodies attempted to make a meticulous and objective study of all the problems that affected the Blacks not only in Umlazi Mission but also in Durban as a whole.

The conclusion can be drawn that the Smuts Government sought to uphold justice by not taking a unilateral decision on the issue. The mere fact that negotiations between the various parties lasted for seven years and the fact that Blacks were also part of the negotiating forum, are indicators that democratic principles were being followed to some extent. Furthermore, as indicated, at first the government appointed Native Affairs Commission rejected the proposal of the Durban City Council to incorporate Umlazi Mission. This also signalled that the Commission was striving for equity.

Lastly, it is recommended that further research be done on Umlazi Mission to unearth more information that may throw more light on aspects that were treated superficially in this study. Research can further be carried out to trace the events and developments between say 1948-1965, that culminated in the actual conversion of Umlazi Mission Reserve into an urban township.

Such research would complete this vast but fascinating subject. A study of the development of Umlazi Mission from a rural area into an urban township may be a worthwhile exercise. It is hoped that research on the urbanisation of Umlazi Mission may serve as a vital contribution to development studies and to South African urban historiography.

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