

ANNEXURE B.

TRANSVAAL INDIAN CONGRESS

2nd Floor,

4a Kort Street,

10th December, 1952.

30

Mr. S.J.B. Olokers,
Assistant Secretary,
Land Tenure Advisory Board,
Private Bag 190,
PRETORIA.

Sir,

RE: LAND TENURE BOARD NOTICE 8/11/1952.

IN RESPECT OF LYDENBURG

We hereby lodge on behalf of the Transvaal Indian Congress objections to the above notice on the following grounds:-

- (a) We object in principle.
- (b) The Board has discretion to recommend to the Minister the proclamation of Group Areas or otherwise in Lydenburg. In exercising this discretion the Board must investigate the general desirability of setting the races apart in the Lydenburg area. Our organisation objects to the proposed plan on the grounds that the relation between the races in the Lydenburg District has always been amicable and that separation will result in racial friction.
- (c) We also object on the grounds that the scheme as proposed will have the result of strangulating the Indian community economically.

We propose at the hearing to lead evidence in support of the latter objection.

Yours faithfully,

I. A. Cachalia
N. Thandray, Joint Honorary Secretaries

TRANSVAAL INDIAN CONGRESS

ANNEXURE C.

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verwys n
In Reply Please Quote

No. G.G. 122/1/1.....

UNIE VAN SUID-AFRIKA UNION OF SOUTH AFRICA.
Kantoor van die - Office of the

Land Tenure Advisory Board,
Bag 190,
PRETORIA.

18th December, 1952.

The Joint Honorary Secretaries,
Transvaal Indian Congress,
P.O. Box 2948,
JOHANNESBURG.

Gentlemen,

PROPOSED PROCLAMATION OF GROUP AREAS IN
LYDENBURG.

With reference to your letter of the 10th instant I have to inform you that your objections to the proposed group areas published in the notice in the Lydenburg News on the 14th November, 1952, cannot be entertained for the following reasons:

- (a) Objections in principle cannot be considered by my Board.
- (b) Your second ground of objection would appear to fall away in that other parties have asked for specific areas to be proclaimed as group areas.
- (c) Your third ground of objection cannot be allowed as objections must be lodged against the one or the other or all of the areas under investigation and evidence can only be heard in support of the objections as lodged in respect of a specific area or areas.

Please inform me by return of post whether in the light of the above remarks you wish to amend your representations.

Yours faithfully,

SECRETARY:

LAND TENURE ADVISORY BOARD

RECEIVED

TRANSVAAL INDIAN CONGRESS

4a Kort Street,
JOHANNESBURG.

4th February, 1953.

23
32

Mr. S.J.B. Olckers,
Assistant Secretary,
Land Tenure Advisory Board,
PRETORIA

HAND DELIVERED

Sir,

REF: YOURS CG 122/1/1 18/12/52

We are in receipt of your letter of 18/12/52 which was placed before our Executive for consideration. We are directed to reply as follows:-

(a) We have been instructed by our Executive to reiterate that it is both competent and obligatory for the Board to consider an objection based on the complete undesirability of Group Areas in the Lydenburg District. We wish to state further that your Board has no lawful right to deny a hearing to an organisation upon the grounds that other parties have asked for specific areas to be proclaimed as Group Areas.

If your view represents the views of the Board then we have regretfully come to the conclusion that your Board has prejudged the issue as to whether it is at all desirable to establish the Group Areas as suggested by the various parties. In other words your Board, without hearing any evidence whatsoever, has decided that the separation of races in Lydenburg is desirable and regards itself as a mere mechanism for the working out of the most convenient and acceptable mode of such separation. We strongly emphasise that your Board has no lawful right to impose a condition that the objector must confine himself to the mere technical deficiencies or otherwise of the scheme as advertised. We assert our right to place facts before the Board which will show that the separation of races in Lydenburg as suggested will have results inimical to the best interests of all the inhabitants of Lydenburg, both White and Non-White.

(b) In any case we cannot appreciate the full import of your remarks relating to our 3rd ground of objection. You say that this ground cannot be allowed "as objections must be lodged against the one or other or all of the areas under investigation." It is abundantly clear from our letter of the 10/12/52 that we object against all these schemes as advertised upon the grounds that they will have the effect of strangulating the Indian community economically. We fail to appreciate how the latter objection can be supported without reference to all the schemes in relation to the Indian community concerned.

We would appreciate a reply within 48 hours of the date hereof, informing us whether your Board maintains its attitude as contained in your letter of 18th December, 1952 that our objections to the proposed Group Areas cannot be entertained. If a reply is not forthcoming we shall assume that your Board's attitude remains unchanged and we shall take under the circumstances, any action we may find fit.

A. A. Cachalia, N. Thandray

for TRANSVAAL INDIAN CONGRESS.

ANNEXURE B.

33

Office of the

Land Tenure Advisory Board,
Bag 190
PRETORIA

5th February, 1953.

The Joint Honorary Secretaries,
The Transvaal Indian Congress
P.O. Box 2948
JOHANNESBURG.

Gentlemen,

I have to acknowledge receipt of your letter dated 4th February, 1952 and to inform you that my evennumbered minute dated 18/12/52 was merely intended to give your organisation an opportunity of stating its objections more clearly so as to obviate any misunderstanding at a later date. In no way should it be regarded as the views of my Board, which will only consider the applications after the public hearing.

The Transvaal Indian Congress are therefore at liberty to make such representations, as it may deem fit at the hearing which will be held at Lydenburg Magistrate Court on the 9th February, 1953 at 10.30 a.m.

Yours faithfully,

ASSISTANT SECRETARY:
LAND TENURE ADVISORY BOARD.

ANNEXURE F.

TRANSVAAL INDIAN CONGRESS

La Kort Street,
JOHANNESBURG.

18th July, 1956.

34.

REGISTERED POST

The Secretary,
Land Tenure Advisory Board,
P. Bag 190,
PRETORIA

Sir,

Please let us have copies of written reports made under Section 27(1) of the Group Areas Act, No. 41 of 1950, of the undermentioned Proclamations:

1.	Proclamation No.	75/1951	dated	22/3/51
2.	do	2/1952		14/12/51
3.	do	161/1952		17/7/52
4.	do	169/1952		1/8/52
5.	do	243/1952		11/10/52
6.	do	244/1952		11/10/52
7.	do	256/1952		21/10/52
8.	do	257/1952		21/10/52
9.	do	277/1952		20/11/52
10.	do	24/1953		23/1/53
11.	do	25/1953		23/1/53
12.	do	48/1953		16/2/53
13.	do	49/1953		16/2/53
14.	do	106/1953		15/5/53

As these reports are urgently required by us in connection with the hearing of the Land Tenure Board at Pretoria on the 27th July 1953 regarding group areas in Lydenburg we shall esteem it a great favour if you will kindly make these available to us as soon as possible. We shall let you have the necessary fees, if any, for reproduction.

Should you not be able to furnish us with copies of the above reports then please grant us the permission to inspect them at your offices, in which case please inform us per return of post.

Thanking you in anticipation for your immediate attention,

Yours faithfully,

I. A. GACHALIA
N. THANDRAY
JOINT HON. SECRETARIES

ANNEXURE G.

Office of the

Land Tenure Advisory Board,
Bag 190,
PRETORIA.

22nd July, 1956

The Joint Hon. Secretaries
Transvaal Indian Congress,
P.O. Box 2948,
JOHANNESBURG

Sir,

In reply to your letter of the 18th July, 1953, I have to inform you that in view of the fact that my Board is an advisory body to the Minister and that the Minister need not accept the Board's recommendations, its written reports submitted in terms of Section 27(1) of the Group Areas Act, No. 41 of 1950 are confidential.

It is regretted, therefore, that your request cannot be acceded to.

Yours faithfully,

SECRETARY
LAND TENURE ADVISORY BOARD.

AI (3) All-in-
Conference
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ANNEXURE H

36

R. N. Bhoolia,

14 & 15 Barkley Arcade,

Market Street,

JOHANNESBURG.

3rd September, 1953.

Phone: 23-2863

The Secretary,
Land Tenure Advisory Board,
Libri Buildings,
Church Street,
PRETORIA

Dear Sir,

You will remember that at the last hearing of the application in respect of Group Areas at Lydenburg the proceedings were postponed for the purpose of an application for recusation being brought before the Supreme Court. The Secretary of your Board then agreed to let my clients have the names of those members of the Board who sat on an application by the Middleburg Investment Co. Ltd. to sell a portion of Erf No. 131, Market Street, Lydenburg, to a member of the White Group.

Subsequently my clients called at your offices at 3.30 p.m. and were informed by Mr. Barker that the information was not yet available and he suggested their return before 4.30 p.m. My clients subsequently returned at about 4.25 p.m. Mr. Barker met my clients at the lift and said that the information had not yet been discovered but suggested they returned the following morning. My clients once again approached Mr. Barker at 4.15 p.m. the following afternoon, Tuesday, 28th July, and Mr. Barker informed them that it had then been decided as a matter of policy that the information requested could not be disclosed.

You will appreciate that it is impossible for my clients, the Transvaal Indian Congress, to bring an application to the Supreme Court for the recusation of those members of the Board who are hearing the Lydenburg application who sat in the Middleburg Investment Co. Ltd. application unless my clients have the information as to which members sat on the latter application.

Under the circumstances I have been instructed to demand from you the disclosure of the names of the members of the Board who sat at the hearing of the Middleburg Investment Co. Ltd. application, and on the receipt of this information the application for recusation will be proceeded with, but however, in the event of your failing to furnish the said names within 48 hours of the receipt of this letter my instructions are to proceed at once to the Supreme Court for an Order compelling your Board to furnish the names in question.

Yours faithfully,

R. N. BHOLIA

ANNEXURE 1

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Office of the

Land Tenure Advisory Board,
Bag 190,
PRETORIA.

8th September, 1953

E.N. Bheolia Esq.,
14 & 15 Barkley Arcade,
18 Market Street,
JOHANNESBURG,

Sir,

It is regretted that your letter of the 3rd instant addressed to the Secretary of the Land Tenure Advisory Board could not be replied to sooner as the Chairman and the Secretary of the Board were out of town. The Chairman has, however, returned to office this morning and the demand contained in your letter was referred to him.

The result is that the Chairman is not prepared to comply with your demand unless compelled to do so by an Order of Court.

Yours faithfully,

ASSISTANT SECRETARY
LAND TENURE ADVISORY BOARD

Land Tenure Advisory Board,
Bag 190,
PRETORIA.

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22nd July, 1956

The Joint Hon. Secretaries
Transvaal Indian Congress,
P.O. Box 2948,
JOHANNESBURG

Sirs,

In reply to your letter of the 18th July, 1956, I have to inform you that in view of the fact that my Board is an Advisory body to the Minister and that the Minister need not accept the Board's recommendations, its written reports submitted in terms of Section 27(1) of the Group Areas Act, No. 41 of 1950, are confidential.

It is regretted, therefore, that your request cannot be acceded to.

Yours faithfully,

— SECRETARY —
LAND TENURE ADVISORY BOARD.

Collection Number: AD1812

RECORDS RELATING TO THE 'TREASON TRIAL' (REGINA vs F. ADAMS AND OTHERS ON CHARGE OF HIGH TREASON, ETC.), 1956 1961

TREASON TRIAL, 1956 1961

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

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