

11
RACE RELATIONS

ABX 4111286

November 28th., 1941.

The Editor,

Dear Sir,

May I be permitted to pay my tribute to the life of our great friend, the late John L. Hardy.

The death of John Lawton Hardy removes a great personality from among us. Quiet, unassuming, with a subtle sense of humor, strictly business-like, firm yet very kind and very generous towards worthy causes.

He was always interested in the underprivileged and did all he could to raise them along the path of independence and self-help. He not only believed in helping people help themselves; but he spent much time and money to realise this ideal. Africans are debtors to him and his late partner, Howard Pim, for their benefaction. His method of social work and welfare among Africans was positive. He did not pity the African, he sympathised with him in his disabilities. Race and colour were no limitation to his services. He served all. He was not a 'friend of the native'. He was a friend of justice and a lover of humanity, recognising great possibilities and potentialities for advancement in all races and colours given equality of opportunity. Thus he lived and worked for the reclamation and rehabilitation of delinquent boys - white and black alike - through the Lads Hostels. To all the boys he tried to give opportunity to find themselves and to rise to positions of self-help.

The Lads Hostels, the Johannesburg Bantu Sports Club, the Ritz Hall, No. 5 Polly Street, are not the only physical monuments to his great work and his late senior partner, Howard Pim, but the philosophy of their control are themselves a great contribution to advance in South African Social Welfare philosophy.

His greatest monuments are in the lives of Africans he has helped, guided, and inspired, towards self-help.

2. He/....

He was respected and influential in lofty places; but because of the services he rendered unselfishly, he was loved and honoured in many a black hamlet in South Africa.

His greatness and sincerity were shown by his simplicity, lack of demonstration and ostentation in all the great service he rendered.

To him and for him the Africans are for ever indebted. To them and for them he has earned their genuine respect and love.

May his example teach us how to devote our lives in unselfish, selfless service for others.

ABX. 41128c

Race Relations

28th November, 1941.

Dr. Ray E. Phillips, Ph.D.,
19, Eleanor Street,
Fairview,
JOHANNESBURG.

Dear Dr. Phillips,

It is most regrettable that recently it seems that all your requests have come at a time when I was fully occupied, so that it was impossible for me to accede to your request.

I would be very glad to attend the meeting of Sunday evening - November 30th. - but I have my practice and three meetings to do that day, consequently, I cannot say with certainty that I can be present.

With best regards,

Yours sincerely,

ABX/pd.

ABX. 41129a

Social - Welfare - General

29th November, 1941.

Dear Mr. Matthews,

I am wondering whether you received my memoranda, one on the Beer Halls and the other on the Economic and Social Welfare, as I am anxious to keep you in touch with our way of thinking and the direction we wish African opinion to take.

I had been hoping that you would send me a copy of the statement you were preparing on Native Education, as I am anxious that you read a paper on Education at the oncoming Conference.

I wish you would induce quite a number of our intellectuals that way to attend the Victory Congress Conference, as we should arrive on a practical policy on matters of Education, Land, Wages and the principle of African Representation. We have no better chance than now for putting our case clearly, uncompromisingly before the Government with possibilities of success whenever.

The emphasis about the election for the Natives' Representative Council nominations seems to me misplaced as the Representative Council is almost useless without strong well-organised and active African organisations to give a lead to them and to follow up their resolutions.

Hoping to see you in Bloemfontein,

I am,

With kind regards,

Yours sincerely,

ABX/pd.

ABX. 414296

29th November, 1941.

My dear Mrs. Ballinger,

I wish to thank you for the papers you sent me and also for the wonderful Foreword you wrote out for our proposed series of pamphlets.

A better understanding of the situation and the intention of the pamphlets could not be found.

The Foreword is a valuable contribution to the whole scheme. I am very much indebted to you for it.

Yours sincerely,

ABX/pd.

Mrs. M. Ballinger M.P.,
Rivonia, T.

ABX. 411130a

Health

Crogman Comm. Clinic

P.O. Box 160

Comelo

30th Nov. 1941

Doctor A. B. Luma

Johannesburg

Dear Doctor Luma

I wonder if I am not giving you a surprise by this unexpected letter. I was unable to see you before we left Coates so as to ask you to write me a Testimonial for the six months I was working in the Clinic.

So will you be so kind as to send it to me? I'll be very thankful.

Father is transferred to Comelo here as you will see from my address. He has not come here to work but for a rest as they put it. They did not pension him as we expected.

I will not be starting at Bridgman's until very early next year, as they say they will not be having any vacancies until then.

I am not forgetting to thank you for all the kindness you showed me during the time I worked under you; In you I discovered I did not only have a master, but a father as well, and it will take me some time

to forget that.

We came here on the 25th Nov. It
is quite a nice place.

Remember me to Mrs. Luna

Wishing you the best in your work

Always your child

Albertina

To: The King-in-Parliament.

The Petition of Sobhuza II, O.B.E.

Paramount Chief of Swaziland

and the

Council of the Swazi Nation.



THE PREFACE

From the time of my grandfather, King Umbandeni, Swaziland has never failed to respond to the call from Great Britain when her help was needed. Once again in the course of the present conflict, that call has come and has been responded to by the offer of men and material.

It might therefore appear inconsistent with this response that just when the British peoples are fully occupied with the defence of the realm and the need to bring the existing conflict to a successful conclusion, a Petition should be presented to the King-in-Parliament, setting forth the grievances of the Swazi nation and seeking redress therefor. Indeed it was not our desire to do this at the present stage but we were impelled thereto by the wishes of the Swaziland Administration which in spite of our entreaties will not allow us to wait until the end of the war. The reason for this is that it is desired to have proclaimed the proposed laws regarding the appointment and powers of the Chiefs, against which the Swazi nation have objected. The nation sees in the proposed legislation not only the complete destruction of native customary law, particularly as regards the hereditary rights of chieftainship and the laws of succession pertaining thereto, but also the destruction of

our/...

our present status and our constitutional relationship with the British Government.

The Swazi nation desires to develop the economic and social organization of its people in conformity with its needs and those needs must inevitably be related to sufficiency of land and the protection of the rights of the nation in the land. Closely interwoven with these fundamental interests of the Swazis are the rights of Chieftainship.

The Swazi nation seriously fears that legislation which tends to undermine the basis of the Chieftainship of the nation, rights cherished from time immemorial, must ultimately also adversely affect their rights and interest in the land.

S.M. 19

TO: THE KING - IN - PARLIAMENT:-

THE PETITION of SOBHUZA II, O.B.E.,
PARAMOUNT CHIEF of SWAZILAND and the COUNCIL
of the SWAZI NATION, REPRESENTING HEREIN the
SWAZI NATION, HUMBLY

S H E W E T H : -

1. YOUR Petitioner with profound respect
is impelled to lay before the PARLIAMENT of GREAT
BRITAIN this Petition for the redress of the
grievances under which the Swazi nation is labour-
ing and to pray the said Parliament to pass the
legislation necessary to obtain relief.

2. YOUR Petitioner feels that it would
not be improper to draw attention to the manifold
occasions on which the Swazi Nation has been of
assistance to Great Britain and the Empire:-

(a) In the Sekukuni Wars of 1881 our
aid was obtained by Field Marshal Sir
Evelyn Wood, who indeed after the
victory paid his historic visit of
thanks to King Umbandeni, assuring
the latter that the British Govern-
ment would recognise and guarantee
the independence of the Swazi Nation.

(b) Again in like spirit and devotion to
the British cause during the Anglo-
Boer War (1899) the Swazi nation gave
valuable aid to the British troops in
the/...

the field earning the thanks of Field Marshal Lord Kitchener which the latter accorded to the Queen Regent and the Swazi Chiefs.

(c) During the Great War (1914 - 1918) the Swazi Nation gave material and physical aid to the Allied Cause.

(d) Again during this present conflict the call of Great Britain deeply moved the Swazi nation. Your Petitioner's call to the nation has produced the Pioneer Military Corps asked for by the Commander-in-Chief for the Middle East, thus again proving the continued loyalty of the Swazi nation to the British Crown.

3. BRITISH Policy in Swaziland rested from the first on the recognition of the independence of Swaziland. This was definitely confirmed in the Convention of Pretoria of 1881 entered into between the British Government and the South African Republic, Article 24 of which reads as follows:-

"The Independence of the Swazis within the boundary line of Swaziland as indicated in the First Article of this Convention, will be fully recognised."

4. AGAIN in 1884 in the Convention between the United Kingdom and the South African

Republic/...

Republic there will be found in Article 12 thereof a repetition of Article 24 of the 1881 Convention.

5. ON March 17, 1889, the Governor of Natal wrote to the High Commissioner for South Africa (E.B. 6200, p.131) -

"The independence of the Swazis is jointly and fully recognised as between her Majesty's Government and the S.A. Republic by Article 12 of the Convention signed in London on the 27th February 1884. I assume that it would be competent to the contracting parties, by agreement between themselves to abrogate the recognition of independence. But I cannot feel sure that such abrogation, without the consent of the Swazis would not be a breach of obligations to the Swazis It is not unreasonable to infer that the Swazis hold that Her Majesty as well as the South African Republic have entered into an agreement to recognise fully their independence and that they have bound themselves by implication not to set aside that agreement without the consent of the Swazis, unless some grave cause for doing so were to arise."

6. ON/...

6. ON the 2nd January, 1893 the following extract is to be found in a despatch from Sir Henry B. Loch to the Marquess of Ripon:-

"I may also add that England does not possess a foot of land in Swaziland and that she is barred by Treaty obligations from annexing the country."

This letter concerned the advisability of a fresh convention regarding the future of Swaziland and ends as follows:-

"I trust the views of her Majesty's Government as expressed in Your Lordship's Despatch, may form the basis of negotiations that will lead to an amicable settlement being arrived at with the Government of the S.A. Republic as to the future administration of Swaziland, on terms consistent with the obligations to British Subjects, to the Swazi nation, and with results generally beneficial to South African interests and honourable to Her Majesty's Government."

From the foregoing pronouncement it is clear that the Proposed convention between the two Governments was to be made consistent with the existing obligations of the British Government to the Swazi nation.

7. IN 1894 the Swazi nation fearing the proposed transfer of their country to the South African Republic and the consequent loss of its independence sent a deputation to London, asking that rather than become part of the S.A. Republic, the Swazis desired to offer their allegiance to the Queen of England. To which offer on the 16th November, 1894 the following reply was given:-

"While Her Majesty is sensible of the confidence in the justice of Her Rule which is implied in the offer of allegiance which you have tendered to Her Majesty by order of the Queen Regent and Council of the Swazi Nation, the Queen is precluded by her treaty engagements from accepting the allegiance you have tendered."

6. IN 1894 after the return of the aforesaid deputation a further convention was entered into between Great Britain and the S.A. Republic. The British Nation had guaranteed the independence of the Swazi Nation and had often reiterated that guarantee and the Swazi Nation felt that without becoming a party to this new convention it would be amply protected by Great Britain. Her Majesty's Government however felt impelled to give to the S.A. Republic the right to exercise a protectorate over Swaziland but nevertheless consistent with

the/...

the internal independence of the Swazi nation.
Article 11 of that convention reads as follows:

"Article 11"

"Without the incorporation of Swaziland into the South African Republic, the Government of the South African Republic shall have and be secured in all rights and powers of protection, legislation, jurisdiction and administration over Swaziland and the inhabitants thereof, subject to the following conditions and provisions, namely:-

(1) That the young King Unguane alias Uhili alias Uunu (the father of Your Petitioner) after he has become of age, according to Native Law, shall be and remain the Paramount Chief of the Swazis in Swaziland, with the usual powers of such Paramount Chief, in so far as the same are not inconsistent with civilised Laws and Customs.

(2) That payment by the Government of the South African Republic of monies derived from the collection of the private revenues of the King shall be regularly made in terms of the Concession or Power of Attorney, granted in that behalf by Umbandeni, and confirmed by Judgment of the Chief Court."

(3) The management of the internal affairs of the Natives shall be in accordance
with/...

their own Laws and Customs at present administered in so far as the said Laws and Customs are not inconsistent with civilised laws and customs, or with any law in force in Swaziland made pursuant to this Convention, and the Natives are guaranteed in their continued use and occupation of land now in their possession, and of all grazing and agricultural rights to which they are at present entitled, provided that no Law made hereafter in Swaziland shall be in conflict with the guarantees given to the Swazis in this Convention.

(4) That in the administration and government of the country by the Government of the South African Republic, no hut tax shall be imposed upon the Natives higher than the corresponding tax to which such of the Swazis as are living within the borders of the Republic may be subject. In no case, however, shall such taxes be able to be imposed until after the expiration of three years from the date of the ratification of this Convention."

9. THAT the Convention of 1894 did not give to the South African Republic plenary powers of legislation and jurisdiction over Swaziland so as to affect native rights guaranteed by the convention is evidenced in the communication from Lord Milner to the agent of Great Britain in Pretoria, dated 18th July, 1898 as follows:-

"Referring/...

"Referring to your despatch of 12th July enclosing a note from the Government of the South African Republic, I wish to state that I am quite unable to accept the view that the Convention gives the Courts of the Republic the jurisdiction which is claimed for them by the Government of the S.A. Republic. Legislation by the South African Republic under the convention cannot confer powers which are not in accordance with the provisions of the convention itself."

10. ON the Declaration of War in 1899 between Great Britain and the South African Republic the latter abandoned all their rights over Swaziland. On the 1st October, 1899, General Piet Joubert the Vice-President and Commander-in-Chief of the Republican Army wrote to King Ubunu as follows:

"And now Ubunu the Government places Swaziland under your care and trusts that you have fully understood the matter and will act accordingly. Wherefore I want to advise you purely
as/...

as a friend to rule Swaziland well and justly and in peace. This is the advice of a sincere friend of Umswazi of Umbandeni and also of Ubunu."

11. THE Boers' administration of Swaziland had proceeded quite smoothly from 1894 until 1898 when the Republican Government tried to bring the King himself under the jurisdiction of its Courts. The Paramount Chief protested and sought British protection in Zululand. The High Commissioner (Lord Milner) applied to the Secretary of State for legal advice on the point and on the 30th of June, 1898 Mr. Joseph Chamberlain replied by telegram as follows:

"In answer to your telegram of 29th June I am advised that there is no power in Swaziland Convention of 1894 to try Ubunu in any Court created under that Convention for murder of Mbaba."

On account of this incident the Government of the South African Republic pressed for further extension of the jurisdiction of its Courts. A Protocol to the Convention was thereupon agreed and signed between the High Commissioner and the Government of the South African

Republic/...

Republic. Under this Protocol there was reserved for trial by the European Courts all offences of a serious nature and it took away from the Native authorities the power to inflict the death penalty.

12. DURING the period from 1884 to 1889 Swaziland was overrun by concession hunters, both Boer and British. This mad race after the mineral wealth of the country resulted in a tremendous amount of intrigue. The Boers of the Transvaal were opposed to the British mining interests both because they feared British influence and because they considered that there would be interference with grazing permits granted them by the Swazi nation - Several concessions were granted by King Umbandeni to Europeans but they were all subject to the following:

- (a) The express or implied reservation of the King's sovereign rights over Swaziland and those of his heirs and successors.
- (b) That the Swazis should not be disturbed in the use and occupation of the land which they occupied and grazed with their cattle.

13. IN granting concessions the King made all Europeans fully understand and

emphasized/...

emphasized the point that he was not selling to them an inch of the land but was only giving them the use of the ground for the purposes specified in the concession. The terms on which these concessions were granted were reported by the King both to the British Government and to the South African Republic.

14. THE King also desired that the Europeans in Swaziland should manage their own affairs and with this in view permitted them to appoint their own representatives for the purpose of keeping law and order among themselves and in matters in which Europeans alone were concerned. The King appointed Mr. Theo Shepstone C.M.G., a member of the Natal Bar as his Adviser in order to deal with the growing European interests in the country.

15. THE following is a minute contained in a despatch from Sir Hercules Robinson, the High Commissioner to the Secretary of State (C.5089 of June 1887, Despatch No. 39, Enclosure 3, p.p. 72 - 74):-

Swaziland, May 18th.

"The adjourned meeting was held under the Council tree this afternoon, the King and his Councillors being present.

The proceedings having been opened, SANDHLAN (Prime Minister) addressed the Committee as follows, Mr. David Forbes interpreting:-

"He/...

Collection Number: AD843

XUMA, A.B., Papers

PUBLISHER:

Publisher:- **Historical Papers Research Archive**

Location:- **Johannesburg**

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of the archive of the South African Institute of Race Relations, held at the Historical Papers Research Archive at the University of the Witwatersrand, Johannesburg, South Africa.