

Telegraphic Address:
Telegrafiese Adres:
"NATIVES."

UNION OF
SOUTH AFRICA.



UNIE VAN
SUID-AFRIKA.

DEPARTMENT OF NATIVE AFFAIRS,
DEPARTEMENT VAN NATURELLESAKE.

P.O. Box } 384,
Postbus }

PRETORIA.

No. 51/313(E).

3 JAN 1946

19

Sir,

Early History of Newclare and Sophiatown
Townships.

With reference to your letter of the 15th November, 1945, I have the honour to inform you that a search of the records of this office has elicited no definite information about the beginnings of the abovementioned townships, and the information in the following two paragraphs has been obtained from statements made to the Department at different times by legal representatives of ratepayers of the two townships.

It has been variously stated that Natives have lived in the townships "since the Boer War" and "since the time of President Kruger". The ground on which Sophiatown is laid out was bought by a Mr. Tobiansky in 1897. This township was apparently not originally laid out with the intention that it should be used for Native or Coloured occupation, and shortly after title was granted a sale was held (presumably by Tobiansky) at which a number of stands was bought by Europeans. Gradually, however, Natives began purchasing stands, and as this process went on so did the Europeans gradually dispose of their interests in properties in the township.

Newclare was originally laid out as a township for coloured persons only, and in terms of the title deeds Europeans were prohibited from living there.

It has been ascertained from the Registrar of Deeds that these two townships were actually established on the following dates :

Sophiatown : 14th February, 1905.
Newclare : 2nd March, 1905.

It is greatly regretted that owing to the lengthy search involved it has not been possible to reply to your letter earlier, and that the records of this office do not contain the complete information you require. It is understood, however, that further details of the early history of the Sophiatown and Newclare townships are to be found in the following reports which are unfortunately not available in this office:

Report of the Transvaal Leasehold Townships
Commission, 1912 (U.G.-34,1912).

Report of the Transvaal Asiatic Land Tenure
Act Commission (U.G.-7,1934).

I have the honour to be,
Sir,
Your obedient servant.

S. P. ...
SECRETARY FOR NATIVE AFFAIRS.

Rev. J. Dexter Taylor,
17 Priscilla Street,
Belgravia,
JOHANNESBURG.

Telegraphic Address:
Telegrafiese Adres:
"NATIVES."



N.A. 283.

UNION OF SOUTH AFRICA.
UNIE VAN SUID-AFRIKA.

Item no. 2

No. 51/313(E).

DEPARTMENT OF NATIVE AFFAIRS,
DEPARTEMENT VAN NATURELLESAKE,

P.O. BOX } 384
POSBUS }

PRETORIA.

5 FEB 1946

194

A24

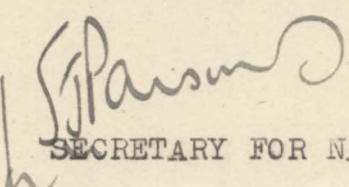
Reverend Sir,

Early History of Sophiatown, Martindale,
and Newclare Townships.

With further reference to your request for details of the early history of the abovementioned townships, I have the honour to inform you that as a result of further enquiries a suitable memorandum has now been prepared and a copy is enclosed for your information.

I regret that I am unable to refer you to the date ~~of date~~ of your letter as my relative file is at present in Cape Town.

I have the honour to be,
Sir,
Your obedient Servant,


SECRETARY FOR NATIVE AFFAIRS.

Rev. J. Dexter Taylor,
17 Priscilla Street,
Belgravia,
JOHANNESBURG.

EARLY HISTORY OF SOPHIATOWN, MARTINDALE AND
NEWCLARE TOWNSHIPS.

1. SOPHIATOWN TOWNSHIP.

An area on the farm WATERVAL No. 79 (Now No. 10) was offered to the Government of the late South African Republic by H. Tobiansky for a location. This offer was accepted by the Executive Council by Resolution No. 508 dated 26th May, 1899. The ground was to be used exclusively for the purposes of a Coloured Location and a Notarial Lease of the area was signed on 1st June, 1899, and registered under Contract No. 252/99 by the Registrar of Deeds in the Register van Acten, Book "C" 11 Folio 508 on the 15th June, 1899. There is no need to set out the various stages through which this lease went, as subsequently it was cancelled by Executive Council Resolution No. 439 of 1903 as a result of an application emanating from Mr. Tobiansky's solicitors. Cancellation of the lease was registered by the Registrar of Deeds on 17th April, 1905.

According to the General Plan of the township, the area was surveyed in June, 1903. Although the township was not actually established until 14th February, 1905, a few lots were sold prior to this date to white persons.

Portion of the township was subject to a condition that the owner had no right to use it as a location for coloured persons and could not sell or hire the portion or any part thereof to coloured persons. By Contract 40/1911 S (R.T.R. No. F.3/11) registered in the Deeds Office, Pretoria, on 4th March, 1911, and by Contract F.76/21 registered in the Registrar of Land Townships Mining Titles on 20th December, 1921, this condition was modified so that now only lots 89 and 356 are subject to this restriction.

There are now only 33 leasehold lots in Sophiatown, the remainder are held under freehold title.

2. NEWCLARE TOWNSHIP.

This Township was approved by the Minister of Lands on the recommendation of the Townships Board in terms of section 7 of Act 33/07 (Transvaal). This approval was published under Government Notice No. 1479 dated 28th October, 1912, in the Gazette dated 1st November, 1912, at page 701. The conditions were modified by Administrator's Notice No. 88/14 dated 5th March, 1914, published in the Provincial Gazette dated 13th March, 1914. The first of the approved conditions of title reads:-

"The Township being laid out with a view to provide accommodation for coloured persons no whites shall be permitted to reside in the township, (the Township owner excepted)."

There are no leasehold lots in Newclare.

3. MARTINDALE TOWNSHIP.

The area comprising Martindale Township was surveyed in August, 1904, the General Plan of the Township being approved on the 19th October, 1904. The Township was established on 23rd January, 1905.

Only one lot in this Township is held under leasehold title and the lease of this lot contains a restriction against coloured occupation.

The remaining lots are held in freehold and there are no restrictions in the freehold titles against coloured occupation.

The following extracts from the reports of the Transvaal Leasehold Townships Commission, 1912 (U.G. 34-1912) and the Transvaal Asiatic Land Tenure Act Commission (U.G. 7-1934) give all the relevant details contained in those reports regarding the above three townships.

TRANSVAAL LEASEHOLD TOWNSHIPS COMMISSION, 1912.

(a) Page 80.

"(47) MARTINDALE.

This is a private leasehold township belonging to H. Tobiansky. It was laid out in 1904 on a portion of the farm WATERVAL in extent about 24 morgen and divided into 332 stands. Tobiansky acquired the site of the township in 1903, surveyed and laid it out at a total cost of £9,000 including interest. Only six stands are held in leasehold, and only two leases comprising three stands have been registered. The rent is £2. 8. 0. per annum, and the total gross revenue is £14. 8. 0. per annum. Standholders have the right under their leases to convert their title into freehold upon payment of £15 per stand, plus cost of transfer. The terms of the leases ^{are} 999 years, from October, 1904. The income from rents is capitalised by the Municipality for assessment rates on a 12½ per cent basis, the amount being £60. The total amount which the owner would receive if all the stands were converted on the terms provided in the lease is £90.

The Municipal depositing site was close to this township, which probably accounts for its want of success. The stands are of very little value. Tobiansky said he would give his leaseholders their freehold for nothing, but that he is in the hands of his bank."

(b) Page 93.

"(59) SOPHIATOWN.

This is a private leasehold township belonging to H. Tobiansky. It was laid out in 1903 on a portion of the farm WATERVAL and contains 1,694 stands. Tobiansky purchased the site of the township about 1897. He commenced selling stands about 1903 at prices ranging from £25 to £30. There are now 43 leases covering 139 stands. It was originally intended that the township should be freehold and the stands were actually sold in freehold. The reason why it was not made freehold was that before transfer of any stands could be given Tobiansky had to produce a receipt showing that all municipal rates had been paid. The Municipality would not agree to take part of the rates, but insisted on payment in full in one sum. This total sum Tobiansky could not pay, and to protect standholders leases were granted to them, subject to a rental of 1s. per year, which in no case has been demanded, the leases containing a clause that on payment of a sum of 5s. and costs of transfer, the standholder might convert his title into freehold. The standholders seem to be quite satisfied that their title is a sufficient protection for them and that they can get freehold when they want it. Tobiansky's estate was assigned in 1906, and the township is now managed by the assignee.

Tobiansky/.....

Tobiansky bought portions of the site of the township from different persons, the title differing in the servitudes attaching to them. These different servitudes account for the difference in the leases in this township, of which there are six classes. One class is for 99 years, the five others for 999 years, from October, 1st, 1903. The income from rents is capitalised by the Municipality for rating purposes on a 12½ per cent basis, the amount being £55.

TRANSVAAL ASIATIC LAND TENURE ACT COMMISSION. (Parts I and II)

Page 107.

"(2) SOPHIATOWN, MARTINDALE AND NEWCLARE.

47. It will be convenient to take these three townships together, as they are all situate in the northwestern portion of the Municipal area. Martindale and Sophiatown lie immediately to the north, and Newclare lies immediately to the south of the Western Native Township, which accommodates about 14,000 Natives. Generally speaking the titles to lots in these three townships contain no restriction against either ownership or occupation by Coloured persons, but there are a few exceptions. The great majority of the lots are held by Native or Coloured owners.

48. Sophiatown consists of 1,694 lots, the great majority of which are held in freehold; in the case of only two of the freehold lots is there any prohibition against coloured occupation in the title of the lot : thirty-seven lots are held in leasehold of which twenty-eight are held on leases containing the usual restrictive condition against coloured occupation, while the leases of the remaining nine contain no such restriction.

49. In Martindale there are no restrictions against coloured occupation in freehold titles. There is only one lot held in leasehold title, and a restriction against coloured occupation is contained in the lease of that lot.

50. In Newclare all the lots are held in freehold, and the freehold title contains the following restriction against occupation by White persons :

"The Township being laid out with a view of giving accommodation for Coloured persons no Whites shall be permitted to reside in the township - the township owner excepted."

51. No Census has been taken of these three townships since 1921. The figures for these townships, according to the 1921 Census were as follows:-

	<u>Martindale and Sophiatown.</u>	<u>Newclare.</u>
Europeans.....	557	10
Natives.....	1,475	1,185
Indians and Other		
Asiatics.....	79	338
Other Coloured Persons	878	819

It appears/.....

52. It appears that, since the date of this Census, there has been a great influx of Natives into these three townships, as a result of Natives having been required to clear out from other portions of the town under the provisions of the Natives (Urban Areas) Act. According to an estimate furnished by the Town Clerk on the 30th October, 1933, the present Native population of these townships is as follows:-

Newclare.....	2,000
Sophiatown.....	6,000
Martindale.....	<u>1,500</u>
Total.....	<u>9,500</u>

The Town Clerk, when forwarding this estimate, added: "I have to state further that the Natives predominate in the composition of the total population of these townships, and it is considered that the other sections of the population, such as for example, Asiatics, Coloureds, and Europeans, do not amount to more than about 15 per cent of the total". If, in accordance with the above statement, it is assumed that the Native population, as estimated above, constitutes 85 per cent of the population of each of these townships the figures for the remaining 15 per cent will be as follows:-

Newclare.....	353
Sophiatown.....	1,059
Martindale.....	264

making a total of 1,676. Even if these 1,676 are assumed to be all Coloured persons, and no allowance is made for the small number of Europeans living in these townships, the estimate for the coloured population seems to be on the low side, as according to figures furnished by the West Witwatersrand School Board, no fewer than 730 South African Coloured and Asiatic children from these townships attend the two Government Schools for Coloured children in Sophiatown and Newclare.

53. As already mentioned, these three townships have been recently proclaimed under section 5 of the Natives (Urban Areas) Act, but, owing to the fact that a large number of the lots are owned by Natives, many of whom live in their own houses and have been accustomed to take in Native tenants, the considerations affecting the enforcement of the Act in these townships are quite different to those which apply in other parts of the Municipal Area.

54. Natives who are registered owners of immovable property, valued for rating purposes at £75 or more and who ordinarily reside on such property are, as already noted, exempted from the requirement as to residing in a Location, Native Village, or Native Hostel, and the wives, children and dependants of such Natives who reside with them are likewise exempted. Some Natives, however, are occupying premises in these townships of which they are not yet registered owners, but which they have agreed to purchase, and for which they are paying by instalments, and the rateable value of some of the houses owned and occupied by Natives does not always amount to as much as £75: in order to cover the cases of such Natives, and also of Native tenants, special regulations have been made governing the exercise in these townships of power, conferred on urban authorities by the amending Act of 1930

to/.....

* V. Subsection 4 inserted by Section 3 of Act No. 25 of 1930 in section 5 of the Natives (Urban Areas) Act, 1923.

to grant licences to owners, lessees, or occupiers of premises in areas proclaimed as areas from which Natives are to be excluded permitting them to accommodate specified numbers of Natives in such premises.

55. The regulations made under section 5(4) for all portions of the Municipal Area of Johannesburg, other than these three townships - Sophiatown, Martindale and Newclare - confer upon the Council a discretionary power to grant or refuse a licence, and provide for the payment of fees by a licensee based on a charge of 3d. per month for each Native covered by his licence. The special regulations which apply to the three townships abovementioned, Sophiatown, Martindale, and Newclare, are, however, of quite a different character.

These regulations provide:-

- (a) That the owner of any building in any of the three townships which complies with the Council's bye-laws and in which on or before the 1st March, 1933, the owner let accommodation to Natives, shall be entitled to obtain from the Council a licence free of charge to accommodate Natives; and
- (b) that any Native owner of a house occupied by himself and his household built in any of the townships after promulgation of the regulations shall be entitled to obtain a licence to accommodate Natives in not more than four rooms of such house.

The Council has to specify the number of Natives to be allowed to occupy each room, but such number is not to be less than the number allowed under the Public Health Bye-laws. The licence is to be granted for six months, and is renewable from time to time at the option of the licensee, so long as he maintains the licensed premises in accordance with the Municipal bye-laws and does not commit a breach of regulation.*

56. In these three townships, therefore, instead of the grant of licences being entirely in the discretion of the Council, and of licensees being required to pay fees for their licences, the owners of premises who were, on or before the 1st March, 1933, letting accommodation to Natives, are given the right to obtain licences, and Native owners of houses built after the promulgation of the regulations also have the right to obtain licences, and in both cases the licences are issued free of charge.

57. Notwithstanding, therefore, the proclamation of these three townships under the Natives (Urban Area) Act, it does not seem probable that any large proportion of their existing Native population will be disturbed; the Council will in future have, through its licensing system, a more complete control of the conditions under which Natives living in these townships are accommodated, but it seems likely that the tendency will be for the Native population of the townships to increase rather than to diminish.

58. The influx of large numbers of Natives during recent years has rendered these townships less attractive to Coloured persons, and, if the estimate furnished by the City Council,

as/.....

* The licensee is required to maintain his premises in good repair, and in a clean condition, and is not to house Natives in excess of the number allowed under his licence.

as quoted above, is even approximately correct, the total number of Asiatics and South African Coloured persons now resident in these townships is at any rate not larger than the number of such persons returned as resident therein in the 1921 census.

59. These townships cannot, therefore, be regarded as likely to attract, or to provide acceptable accommodation for Asiatics and Coloured persons who may be displaced from other parts of the Municipal Area owing to enforcement of the prohibitions of the Gold Law or of restrictions against coloured occupation contained in title-deeds of lots".

Collection Number: AD1715

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974

PUBLISHER:

Collection Funder:- Atlantic Philanthropies Foundation

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 forms part of the archive of the South African Institute of Race Relations (SAIRR), held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.