

C/A/e/1

21st May, 1951.


The Sub-Inspector,
Criminal Investigation Department,
Smith Street,
DURBAN.

Dear Sir,

re: Complaint against I. J. Ndhlovu and Co.

Thank you very much for your letter No. C.I.D. E 3/2/1/51 of 14th May, 1951. It was very kind of you to have sent us such complete information.

Yours faithfully,


Muriel Horrell - Miss
TECHNICAL ASSISTANT

SOUTH AFRICAN
POLICE.



SUID-AFRIKAANSE
POLISIE.

CRIMINAL INVESTIGATION DEPARTMENT,
SMITH STREET DURBAN.

14th May, 1951.

MIT

The Technical Assistant,
The S.A. Institute of
Race Relations,
P.O. Box 97,
JOHANNESBURG.

18 MAY 1951

Dear Madam,

RE: COMPLAINT AGAINST I.J.NDHLOVU & CO.

With reference to your letter of the 1st instant, addressed to Mr. P.J.Rawlins, I beg to advise you that the matter against J.P. Morgan was investigated and the responsible person charged for contr.sec. 125(1) of Proc. 168/1932. He was discharged by the Native Commissioner, Durban, as he was in possession of a Brokers and Agents licence and was therefore entitled to advertise outside the Province of Natal; the same applies to I.J. Ndhlovu & Co. who are Brokers and Agents.

It is regretted that no further assistance can be given in this matter.

Yours faithfully,

P. Morgan

Sub-Inspector,

-/ECR.

FOR CRIMINAL INVESTIGATION OFFICER: DURBAN.

Ref.No. C/A/4/1

CONFIDENTIAL:

22nd May, 1951.

The Chief Native Commissioner,
PIETERMARTIZBURG,
NATAL.

Dear Sir,

The Director of Native Administration, Salisbury, Southern Rhodesia, has at various times written to us to complain that first a certain J. P. Morgan, and recently a firm I. J. Ndhlovu and Company, both of Natal, have been advertising lucky charms, love potions, etc., in Rhodesia.

We reported these matters to the C.I.D., Durban, and J. P. Morgan, who turned out to be an African, was charged for contravening section 125(i) of Proclamation 168/1932. However he was subsequently discharged by the Native Commissioner, Durban, as it appeared that he was in possession of a Brokers and Agents licence and was therefore entitled to advertise outside the Province of Natal. It appears that I. J. Ndhlovu and Company, too, are in possession of such a licence.

I understood, however, that under the Natal Code of Native Law it is illegal to profess a knowledge of the use of spells or charms (Section 129). It seemed to us that even if these individuals possessed brokers and agents licences and also were duly licenced medicine men and herbalists, they would still not be permitted to advertise lucky charms within Natal, let alone outside.

I wonder whether you will be kind enough to let me know what the position is?

Yours faithfully,

M
Muriel Horrell - Miss
TECHNICAL ASSISTANT

No. 0
will have 15th ^{careful}
in case filing 9 found there
on file C/C/1/1
FW

Ref.No. C/A/4/1

22nd May, 1951.

CONFIDENTIAL.

The Director of Native Administration,
P.O. Box 1976,
SALISBURY,
SOUTHERN RHODESIA.

Dear Mr. Hartley.

Further to my letter of 1st May, we have heard from the C.I.D., Durban, that both J. P. Morgan and I. J. Ndhlovu and Co., have Brokers and Agents licences and thus are permitted to advertise outside the Province of Natal.

It seems to me, however, that while it may be legal for them to advertise authentic medicines, they are contravening the Natal Code of Native Law by advertising charms. I have therefore written to the Chief Native Commissioner of Natal, asking what the position is, and will let you know the outcome.

With kind regards,

Yours sincerely,

MS

Muriel Horrell- Miss
TECHNICAL ASSISTANT

Geliewe in u antwoord
te verwoys na
In reply please quote

No. CNC. 43/25/A.

UNIE VAN
SUID-AFRIKA.



UNION OF
SOUTH AFRICA.

KANTOOR VAN DIE—OFFICE OF THE

mtt

Chief Native Commissioner,
P.O. Box 382,
PIETERMARITZBURG.

30th May, 1951.

- 1 JUN 1951

Miss. Muriel Horrell,
S.A. Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG.

C/A/4/1

Sale of Love Philtres and Charms to Natives.

Madam,

In reply to your letter No. C/A/4/1 of the 22nd May, 1951, I have the honour to inform that the failure of the prosecutions against J.P. Morgan is engaging attention and you will be advised what the position is in due course.

I have the honour to be,
Madam,
Your obedient servant,

4 JUN 1951

M. L. C.

CHIEF NATIVE COMMISSIONER : NATAL.

Geliewe in u antwoord
te verwys na
In reply please quote
CNC.

UNIE VAN
SUID-AFRIKA.



UNION OF
SOUTH AFRICA.

No.

43/25A

KANTOOR VAN DIE—OFFICE OF THE

Chief Native Commissioner,
P.O. Box 382,
PIETERMARITZBURG.

3rd July, 1951.

MH

Miss Muriel Horrell,
S.A. Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG.

Madam,

Sale of Love Philtres and Charms to Natives.

Your reference is C/A/4/1.

Further to my letter of the 1st June, 1951, I have the honour to inform you that in regard to the charge of contravening section 125(1) of the Natal Code of Native Law (Schedule to Proclamation 168/1932) the accused was found not guilty as he was not a licensed medicine man as provided in the section. It is proposed to amend this section and in this regard you may like to refer to Government Notice No. 364 which appears in Government Gazette No. 4545, dated 16 February, 1951.

In connection with the charge of contravening section 129 the Prosecutor accepted the plea of Not Guilty and in consequence the Court discharged the accused on that count.

I have the honour to be,
Madam,
Your obedient servant,

5 JUL 1951

McGowan
✓ CHIEF NATIVE COMMISSIONER : NATAL.

C/A/4/1

MH/PW

6th July, 1951.


The Chief Native Commissioner,
P.O. Box 382,
PIETERMARITZBURG....NATAL.

Dear Sir,

Sale of Love Philtres and Charms to Africans

Thank you very much for your letter CNC.43/25A of the 3rd July, 1951.
This has made the position quite clear, and we are most grateful for the
information you sent.

Yours faithfully,


Muriel Horrell - Miss
TECHNICAL ASSISTANT

C/A/4/1

MH/PW

6th July, 1951.

The Director,
Native Administration Department,
P.O. Box 1976,
SALISBURY....S.R.

Dear Mr. Hartley,

Advertisement of Pseudo Medicines for sale
to Africans.

In further reference to your letter M.13 of the 24th April, 1951, I am at last able to give you full information on the J.E. Morgan and I.J. Ndhlovu cases. The former was discharged by the Native Commissioner, and no action was taken against the latter, because of a loophole in the law. The Natal Code of Native Law provided that licensed medicine men were prohibited from advertising their wares; but, apparently, there was nothing to prevent an African who was not a licensed medicine man from doing so, provided he held a Brokers' and Agents' Licence.

Partly, I think, as result of the two cases raised by you, the Natal Code of Native Law is now being amended. An amendment published in the Government Gazette of 16th February, 1951, reads:

"A native licensed as a medicine man or herbalish may prescribe, deal in or sell native medicines only and only to a native who is his bona fide patient and on whom he is in personal attendance.

"No native may publish or cause to be published or send or deliver or transmit or cause to be sent or delivered or transmitted to any person any advertisement in any newspaper, book, pamphlet, circular, poster, letter or other document describing native medicines or stating the fact that he is practising or is entitled to practise as a medicine man or herbalist or inviting any person to consult him or purchase his remedies or make use of his services in any way whatsoever, nor may any such advertisement be made through the medium of visual and sound process."

P.T.O....

I hope that, as result, you will have no further trouble in such matters.

With kind regards,

Yours sincerely,

Muriel Horrell - Miss
TECHNICAL ASSISTANT

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P.O. BOX 596 1976

TEL. 4457. 23855

WHEN REPLYING, PLEASE QUOTE

REF. No.....M.13

file C/A/4/1

CAH
noted M.Horrell
19/7/51

COMM. No. 6320-37



CITY OF SALISBURY
SOUTHERN RHODESIA

NATIVE ADMINISTRATION
DEPARTMENT.

SREKEX AVENUE,
MARKET SQUARE,
SALISBURY.

11th July, 1951.

Miss M. Horrell, B.Sc., M.B.E.,
Technical Assistant,
The S.A. Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG. S.A.

Dear *Mess Horrell*

ADVERTISEMENT OF PSEUDO MEDICINES
FOR SALE TO AFRICANS.

Very many thanks for your letter of 6th July, 1951,
and for the interesting information furnished therein.

I am so glad to hear that what were apparently loop -
holes in the law have now been filled in and can but hope that no
further cases will occur here to warrant its being invoked. Should I
come across any future cases I hope you will not object to my making
a nuisance of myself when I send the evidence to you.

With kind regards,

Yours sincerely,

[Handwritten signature]
DIRECTOR.

16 JUL 1951

Mr. Nyahum
Pn discuss
7W

93 - 2.6421
J.G. Kithembu Zuluoman
127c Location
Murraysburg. CP
20th Sept 1951

The manager
S.A. I. of Race Relations
P.O. Box 97.
Johannesburg

Dear Sir

I as a Secretary for Native
Vigilance Committee and
A.M.E. Church at Murraysburg

I am a herbalist by trade
and I beg to request your
favour that you will kindly
advise me on the following
questions,

- (1) ✓ Is Natal the Natal herbalist-
recognised by Government?
if so, in what bases? ✓
- (2) ✓ What is law embodied in the
Natal code of 1891.?
- (3) ✓ Is Cape province Herbalists also
recognised by the Government.?
- (4) ✓ Do the Natal Herbalists examine
their patients?

24 SEP 1951

if so what their use to examine
they patients?

Further I beg to request your
advise that you will kindly
direct me that where can

I get the following books of law

1. S.A. native law by Whitefield. 18/-
2. S.A. native law by Rogers. 15/-
3. S.A. native law by Blainie. 10/-
4. The Natal code. 1/6
5. The Natal code of 1891.
6. The S.A. consolidated act of 1945. 1/6

If you can. I would like
you to mention the prices as well
Trusting that my application will
meet your favourable reply

I beg to remain
your obediently servant

S.G. Mthembu

2-6421.

M.H.

St. Michael School,
P.O. Box 233,
Rustenburg.
28-9-51.

The Secretary,
P.O. Box 97.

2 OCT 1951

Johannesburg.

The Honourable Sir,

I am interested in
selling medicines.

May you please
and give me some information, how
one could get licence of selling
the above mentioned.

I beg to remain mean
while thanking you in anticipation

I am,

Yours faithfully,

I.M. Schlodimela.

2. Land Revenue
licence dept.

apply to Clinic -
→ Referral MOH
Pub. H. D

C/A/4/1

3rd October, 1951.

Mr. S.G. Mthembu,
127 "C" Location,
MURRAYSBURG, Cape.

Dear Sir,

re: INQUIRY: RECOGNITION OF HERBALISTS.

I am in receipt of your letter dated 20th September, 1951, and beg to reply as follows to the questions you have asked.

1. The Natal Code of Native Law states that "Medicine men and Herbalists respectively, may practice for gain if duly licenced as such but not otherwise."
"A Native Commissioner may in his discretion issue to any Native a licence to practice as a medicine man or herbalist when such issue is by way of renewal of a licence previously held by such person and application therefore is made within three months after the date of expiry of the previous licence".
2. As the scope of the Natal Code is very wide I cannot undertake to explain it here. I suggest therefore that you obtain a copy from the Bantu Studies Department of the Witwatersrand University. It will cost you 2/6.
3. Outside Natal there is no licence for medical men and herbalists and they are free to practise, but if they wish to set up a business to sell herbs, they must obtain a General Dealers Licence.
4. The Natal Code allows the licenced medicine men to examine their patients and to charge a retaining fee, provided that if the patient is cured a further fee may be claimed.

The following are the prices of the books you inquired about:

- A. S.A. Native Law - by Whitfield - 48/-
- B. S.A. Native Law - by Rogers - 15/-
- C. S.A. Native Law - by Blainie - 8/6
- D. The Natal Code of Native Law - 2/6
- E. The S.A. Consolidated Act of 1945 - 2/6.

P.T.O.

- 2 -

A.B. and C are obtainable from J.C. Juta's Johannesburg while E, you can obtain from the Government Printers, Pretoria.

I have already stated where the Natal Native Code is obtainable.

Yours faithfully,

W.B. Ngakane
FIELD OFFICER.

C/A/4/1
MH/PW

8th October, 1951.

Mr. I. M. Sehlohimela,
St. Michael's School,
P.O. Box 233,
RUSTENBURG.

Dear Sir,

Thank you for your letter of 28th September, 1951. It is the municipal authorities who have power to grant or refuse permits for selling medicines. I would thus suggest that you should apply to the Manager of Non-European Affairs of Rustenburg Municipality.

Yours faithfully,


Muriel Horrell
TECHNICAL ASSISTANT

C/A/4/1
A/15/4/1.

4th November, 1953.

Mr. J. Fredman,
Solicitor,
56 Cranbourne Avenue,
BENONI.

Dear Sir,

re: Authority on African Superstition.

Further to our telephonic communication on the above subject, I have decided that it will be much better if you write yourself to the persons whose names and addresses I give hereunder, as I think it will be desirable that you indicate to them the purpose of your inquiry.

Their addresses are as follows :-

1. Professor Hilda Kuper,
University of Natal,
P.O.Box 1525,
DURBAN, Natal.
2. Dr. Monica Wilson,
Bantu Studies Department,
Cape Town University,
CAPE TOWN.

Yours faithfully,
W.B.Ngakane, Field Officer.

Fvw
MH
7 or draft with this before - in Noted?

C/A/4/1.

From: Revd. D.S. Arden

Usuthu Mission,
P/B Bremersdorp,
Swaziland.

3rd October, 1955.

Dear Sir,

OCT 6 1954

Swaziland
I recently suggested to the Government that steps should be taken to ban the circulation through the post of the flood of advertisements, emanating mainly from Durban and India, of medicines purporting to bring magical effects, passing exams., winning at dice etc., on the lines of legislation which I understood from the Press was introduced in the Union a year or so ago.

The Government state that they are willing to assist in this matter, but cannot trace any relevant Union legislation, and have asked me to refer them to it.

Can you help? I remember reading that legislation was to be introduced in one of the past two sessions, but not that this had actually happened.

Yours sincerely,

D.S. Arden

CHANCE

Ref. No. C/A/4/1.

13th October, 1955.

Rev. D. S. Arden,
Usuthu Mission
P/B Bremersdorp,
SWAZILAND.

Dear Mr. Arden,

In reply to your letter of 3rd October, there is, as far as we know, no Union legislation banning advertising letters on magic medicines etc. There is, however, Natal legislation, which would cover any advertisements coming from Durban.

Section 125(1) of the Natal Code and Native Law (Schedule to Proclamation 168/1932) states that registered herbalists may not "transmit by post or otherwise any document, book, pamphlet, circular, poster, letter or other document to any place outside the Province of Natal, describing any of their remedies, or stating the fact that they are practising, or entitled to practise, or inviting any person to consult them or purchase their remedies or make use of their services in any way whatsoever".

As this section only referred to registered herbalists, it was amended in 1951. The amendment as published in the Government Gazette of 16th February, 1951 reads:

"A native licensed as a medicine man or herbalist may prescribe, deal in or sell native medicines only and only to a native who is his bona fide patient and on whom he is in personal attendance.

"No native may publish or cause to be published or send or deliver or transmit or cause to be sent or delivered or transmitted to any person any advertisement in any newspaper, book, pamphlet, circular, poster, letter or other document describing native medicines or stating the fact that he is practising or entitled to practise as a medicine man or herbalist or inviting any person to consult him or purchase his remedies or make use of his services in any way whatsoever, nor may any such advertisement be made through the medium of visual and sound process."

We /...

Rev. D. S. Arden,

13th October, 1955.

We suggest that you write to the

Chief Native Commissioner,
Box 382,
Pietermaritzburg

enclosing copies of any advertisements which have come from Natal.

As far as we know there is nothing that can be done about similar advertisements from India.

Yours sincerely,

Quintin Whyte,
DIRECTOR.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)
SUID-AFRIKAANSE INSTITUUT VIR RASSEVERHOUDINGS (INGELYF)

P. O. Box 97

Posbus 97

JOHANNESBURG

9th February, 1956.

LEASE OF LAND TO AFRICAN TRADERS IN
URBAN AREAS.

Copies of Correspondence between the Director of the Institute and the Secretary for Native Affairs.

1. On 14th December, 1955, the Director wrote the following letter to the Secretary for Native Affairs :

" The Institute has noted with considerable concern your instruction (District File No. N.9/6/2) requiring urban local authorities to ensure that all Africans who are, without the requisite official permission, occupying sites outside areas set aside for Native occupation, to vacate such sites within a period of grace by terminating their business or transferring to a Native location. It is particularly concerned that this instruction lays down that no African now in illegal occupation can obtain the authorization to legalize his occupation. From a number of Press reports of a statement by Dr. T. S. van Rooyen, Information Officer to your Department, it appears that no new application by Africans to trade or carry on other activities in premises in "European" areas will be granted. Further, Dr. van Rooyen is reported to have stated that it will be "in their own interest" if Africans in legal occupation start looking for sites in Native locations, because their presence in areas not set aside for Native occupation conflicts with Government policy.

" The Institute views these instructions, taken in conjunction with Dr. van Rooyen's statement, with the utmost concern. While the Act provides that no African can occupy premises outside an area set aside for African occupation without obtaining the approval of the Governor General, the Act does not provide for the total exclusion of Africans from occupying trading premises other than those in the Native townships. And this is what the effect of the policy outlined by Dr. van Rooyen will be.

" The Institute is convinced that the implementation of such a policy will not only cause great hardship to individuals but that it will do a great injustice to the whole Native community by depriving them of those opportunities for trade and for rendering personal and professional services which are, in all the larger urban areas, located in the town's commercial and industrial areas. We wish to suggest that it would be just as illogical to propose that European trade and business should be confined to suburban shopping centres as it is to deny

Natives /...

Natives rights to occupy premises for trading or professional purposes outside their own locations. This is particularly the case in the larger towns, such as Johannesburg and Cape-town, where the Native locations are situated at a considerable distance from the business centre and where, consequently, an appreciable proportion of both African men and women spend their whole working day - which means the whole period covered by shopping hours - in the "white area". If all Africans are to be denied the right to occupy premises in any part of this "white" area, it will mean that Africans will be denied all access to a very substantial - and growing - section of the African market. This, we submit, would be an unfair restriction on African economic enterprise and give an unfair monopoly to European traders and others.

" In this connection we wish, particularly, to emphasize the injustice of depriving Africans of the right to serve their own people for instance, as eating house or cafe proprietors, barbers, tailors - all rendering services which the African, as the European, requires to be available during normal business hours and especially immediately before and after work and during the mid-day break.

" We would also draw attention to the difficulties of advocates and lawyers, who will presumably have to vacate their existing premises in "European" areas. The proposed establishment of courts in locations will not do away with the necessity of their attending courts in "European" areas. Further, as the majority of their clients will assuredly be found to work in town, the removal of such legal advisors will be a great inconvenience - if not a direct hardship - to them. African medical practitioners should likewise not be denied the right - enjoyed by doctors of other races - to have surgeries in town and in their residential area.

" We wish, in view of these considerations, to urge you most earnestly to reconsider the policy of your Department. We suggest that the sanctioning of the right of Africans to occupy premises for the purpose of trade, personal and professional service in areas where there are particular concentrations of Africans, e.g. near transport termini, City beerhalls, would both offer a legitimate and rightful outlet to African business and professional men and meet the needs and convenience of industrial and commercial workers. "

2. On 6th January, 1956, the Secretary for Native Affairs replied as follows :

" Thank you for your letter of the 14th ultimo.

" In reply thereto I wish to state, at the outset, that the circular instruction to which you refer was issued when it became apparent to the Department that the provisions of section six of Act No. 25 of 1945 were being contravened by large numbers of the Bantu community.

" You will, of course, readily appreciate that conduct of this kind cannot be countenanced. After all, it is the duty of all members of a modern society to obey the various rules of law and to comply with existing legal requirements in the conduct of their affairs.

"Instead /...

" Instead of summarily instituting large scale prosecutions against persons suspected of these contraventions, the Department adopted a more tolerant attitude and requested local authorities to warn such persons to desist from their illegal practices within a reasonable period, and suggested that they might, having regard to local needs, be assisted to obtain sites in areas, such as municipal locations or Native Villages, where they are, in accordance with departmental policy, permitted to carry on their occupations or trades. There could, of course, have been no question of granting de post facto approvals in such cases, as this would have been tantamount to affording recognition to the unlawful transactions. Moreover, apart from creating an undesirable precedent, such approvals, if granted, would also, in the minds of many, have engendered the thought that the laws of the land could be disregarded with impunity.

" In regard to Natives to whom the necessary permission has been granted, in terms of section six of the Act, to acquire land or an interest in land in an urban area, it is the intention that they should, in due course, transfer their activities to the areas specially set aside for them - i.e. to the scheduled or released Native areas or to municipal Native locations, villages or hostels. This is a long term measure that will as time goes on be implemented in a manner which should cause no undue hardship. The timely warning issued by Dr. van Rooyen to Native traders etc. now occupying sites outside such areas was, I think you will readily agree, very necessary, if it is borne in mind that such Natives, who through their own initiative and business acumen have established themselves as the leaders of their people in the fields of commerce, trade and other occupations, are the ones that should be given preferential treatment in the initial allocation of business sites in the large self-contained townships now being planned for them throughout the country.

" The warning was in fact given with the sole object of enabling them to obtain the best sites.

" Whilst the above reflects general policy, it has, nevertheless, been accepted that there may be exceptional cases where a departure from policy is justified and, as has been the practice in the past, each application under section six will, therefore, still be considered on its merits, but with this difference, that due regard will now be given to the fact that henceforth the Bantu will be obtaining an exclusive monopoly to cater for his own people in the separate self-contained areas set aside for them, and here I would like to emphasise that these are areas in which provision is made for practically every possible type of human activity, in contrast to the normal suburban residential development which you use as a basis for comparison.

" I submit that this has opened up to them a field of unlimited opportunity, very much more valuable than the few isolated opportunities which they may ultimately lose as the result of the curtailment of their activities in areas set aside for other racial groups. In fact, the benefits accruing to them and the protection afforded them against exploitation and competition by other racial groups, under

this policy, are so obvious that it is somewhat surprising to learn that there is still room for complaint, especially when cognisance is taken of their numerical superiority to the other racial groups.

" In a multi-racial country like South Africa a satisfactory way of life for members of all the different racial groups must be found and the Department has, in determining its policy, made an honest and sincere effort to ensure that the interests of the Bantu are adequately safeguarded.

" I trust that this letter will dispel any misgiving that your Institute may have on that score. "

* * * * *

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