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NATIVE AFFAIRS DEPARTMENT

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ANNUAL REPORT

BY THE

COMMISSIONER FOR NATIVE AFFAIRS

FOR THE

YEAR ENDED 30<sup>TH</sup> JUNE, 1904.

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# NATIVE AFFAIRS.

## REPORT BY THE COMMISSIONER FOR NATIVE AFFAIRS, TRANSVAAL, FOR THE YEAR ENDED 30TH JUNE, 1904.

In consequence of the decision to change the date from the calendar to the financial year for the framing of Departmental Reports, my last Report was dated 15th February in the present year. This Report will not, therefore, be so full as usual.

In all previous Reports since 1901, it was indicated both by myself and the Native Commissioners, that the social upheavals which convulsed the whole of South Africa during the war produced a disturbing effect on the native mind. The wave of unrest pervaded more or less all the Colonies and Dependencies, and the Transvaal experienced its full share, more especially in those parts where there is a density of native population. The process of re-settlement was one of labour and patience. Many of the natives who had been disturbed in their occupation disliked the idea of returning to their old domiciles, and clamoured greatly for land upon which to settle independently.

I was able after the Legislative Council prorogued last year to make an extended tour through the Transvaal, and took the opportunity to hold "indabas" in the Districts of Lydenburg, Barberton, Zoutpansberg, Waterberg, Pretoria, and Rustenburg, at centres previously arranged, to which the natives could more conveniently come in large numbers.

During that tour all the principal chiefs and clans were either present or represented, and were allowed to express their views, their feelings, and their grievances. I explained to them clearly and fully all that it was necessary for them to know about the new Government, and what changes had taken place in the laws affecting natives. They were given to understand that the existing Government locations were all practically absorbed, and that the whole land question was occupying the attention, not only of this Government, but of all the Governments in South Africa.

I lost no opportunity of impressing upon the natives the necessity of their abandoning the rather hostile attitude many of them had taken up towards the farmers since the war, and the desirability of their reconciling themselves to settlement upon farms where they had opportunities of becoming happily domiciled and established on sound relations with the farmers.

During a period of several weeks' continuous travelling, I saw a great number of people, and discussed with them freely every subject of importance to themselves and to the Government.

I must observe that during that extended tour the natives displayed a respectful demeanour and conducted themselves well. They expressed their desire to be law-abiding and their anxiety to enjoy the good opinion of the Government and people of this Colony.

During the year under review they have proved themselves to be law-abiding, and have rendered submission to all orders which they have received from the Government. Criminal statistics relating to the district natives do not reveal any large amount of crime in proportion to the population. The statistics for crime at mining centres like the Witwatersrand do, I fear, show a considerable amount of crime. In such areas there is a certain percentage of white criminals of the lowest order, from whom natives criminally inclined are apt and are able to take lessons with evil results.

I regret to say that the wave of unrest to which allusion has been made spread through the Eastern and Northern Transvaal, and caused some excitement in the early months of the present year. It appeared to emanate from the southern border, which is contiguous to Zululand, from whence there is no doubt that a good many messages passed to the Transvaal at that time.

Nothing was done by the natives to justify the alarmist rumours which were spread in many cases by designing people for purposes of their own; after some guns had been distributed to the white farmers in the Zoutpansberg District the excitement subsided, and the unrest disappeared. It had, however, the effect of disturbing a good deal of our work, for it happened at that time of year when the taxes were being collected, with the result that the collection was much less than it ought to have been. Generally speaking, there was a good deal of unnecessary excitement which took a considerable time to allay, and it has not tended to improve the relations between Europeans and natives. The best antidote to this kind of excitement is to promote satisfactory relations between European farmers and the natives, and to encourage the latter to settle upon the land under useful agreements as to tenure. All the officers of the Native Affairs Department have received instructions in that sense, and have done their best to promote such relations, but, as a general rule, no great enthusiasm has been evinced on either side to make agreements.

The policy of the Government, and the best policy to adopt, is one that brings the races into harmony, in so far as that is practicable. In my report of last year I dwelt at some length upon the laws which governed the administration and outlined the general policy being pursued. It seems scarcely necessary to repeat it, but a perusal of that Report is invited by those who are interested in the question.



The European and native races are inter-dependent upon each other—the one for labour and the other for sustenance. Unfortunately, the demands for labour at the great industrial centres are so great that many who ought to be working on the land are attracted away, and agriculture is thus impoverished. Labour will always be attracted to the market where the best pay is offered, and if that pay is such as to enable the labourer to work for a short period and then enjoy a long period of leisure, I have a firm and settled conviction that it is undesirable. That standard of wages for natives is, in my opinion, best which enables them to supply all their reasonable wants and promotes in them industrious habits. If they are enabled to have long lapses of idleness and work spasmodically only, they are the worse for it. I allude here to the wages given to raw natives straight from the kraals. The town natives, who are in daily employ and live in town locations, have to meet heavy charges for rents and sanitation, and require a higher standard of wage to meet such charges.

These questions are, however, governed very largely by the laws of supply and demand, and not by statute laws or State policy.

The statute laws in this Colony affecting natives differ from those in the other Colonies of South Africa. We find in some Colonies the common law only prevailing; in others a specific native code; and in this Colony a mixture between the two. Chieftainship has disappeared from some Colonies and is maintained in others. In this Colony it was, in the past, nearly eradicated.

The forms of Government also differ in every Colony. When they were adopted they suited the circumstances of the country, and their adoption, no doubt, in each case served a useful purpose.

The aim, of course, must be to discover what form of administration is best for the days we live in, and to bring about changes in a quiet and circumspect way. Violent changes are to be deprecated. They tend to disturbance and unsettlement, are never understood, and the record of history shows that they have invariably led to confusion and trouble. It is easy to pull down an established order, but unwise to do so unless some appropriate substitute is ready. There are no short cuts in native affairs, and no remedies to be found in immature legislation, which often has produced results of a reactionary nature.

What is called the native question is a great problem not to be approached in a spirit of irritation, nor aggravated by intolerance, or by embarrassing those who are pursuing the safest course and are making silent efforts to deal with that problem.

It is barely more than two years since the country was plunged in a great struggle which had a dislocating effect. It has been expected unreasonably that re-settlement and re-adjustment would follow immediately as if no storm had raged, but this is contrary to entire history.

The war resulted in the disturbance of many natives who had peacefully settled down on farms. Every effort has been made to induce them to return, but some have sought again the shelter of their old clans, whilst others have become nomadic and form a discontented class.

It may be claimed, and rightly claimed, that there was much to do and that much has been done towards pacification and re-settlement. It is certain that no policy would have averted changes that have come over the natives since the war convulsed South Africa.

These changes are due to natural causes. The natives are not so amenable as they used to be nor so respectful to the Europeans. I much regret it, and believe that it is a change for the worse. But so long as the European races are placed in the position of imploring the native races to work for them and are obliged to offer wages which agriculturists, in particular, cannot afford to pay, the natives will regard themselves as important economic factors, and will believe that they occupy a position in which good manners are not essential.

The most useful course to adopt in moderating this tendency is to employ always a sufficient number of competent men, both officers and native police, by whose agency Government can keep in touch with and advise those who are imbibing loose and perhaps dangerous ideas.

## 2.—DISTRICT ADMINISTRATION.

The duties and jurisdiction of Native Commissioners, Sub-Commissioners, and Native Police were stated fully in my last year's Report.

In accordance with the policy foreshadowed in the Third Section of that Report (Page A. 4), steps have been taken to transfer the conduct of negotiations on matters relating to native affairs in certain districts from Native Commissioners to Resident Magistrates. Three Native Commissioners, who were in charge of large areas in the Eastern, South-Eastern, and North-Western Divisions, have been removed and their duties absorbed by various Resident Magistrates.

The offices of Sub-Native Commissioner for the Districts of Piet Retief, Standerton, Ermelo, Potchefstroom, Lichtenburg, and Heidelberg were abolished on the 30th June; whilst the Sub-Commissioners in the Districts of Wakkerstroom, Middelburg, Lydenburg, Barberton, and Waterberg have been placed under the control of the Resident Magistrates.

The effect of these changes is that in certain districts all communications relative to native affairs will be conducted through the Magistrates, in consultation with the Commissioner for Native Affairs.

In my Report of last year I expressed the conviction that, if any wholesome control is to be exercised over natives, there must be men in every district whose special business it is to look after them, and that at the same time a sufficient body of native messengers should be maintained for the purpose of keeping close touch with native feeling and thought. Without such native messengers it is practically impossible for the Government to derive information, to preserve intimate acquaintance with current political affairs, or to hold that constant communication which is so necessary with Chiefs and people. Not only is this necessary for the maintenance of order, but the Chiefs and people, who contribute a large sum to the revenue, have a right to expect the Administration to afford them means of converse with its appointed representatives.



The natives are, as a rule, illiterate, and cannot become acquainted with the laws and orders of Government except by verbal communication. This indispensable body of native messengers has, for financial reasons, been reduced to a degree which is, in my opinion, prejudicial both to the cause of order and to the regular and prompt collection of revenue. From every point of view, the strength of officers and natives should be properly maintained, so that efficiency may not be impaired and that proper control may be ensured.

I have frequently alluded to the fact in comparing the establishment of the late Government with ours, that there were formerly over 100 Field-cornets who carried on district duties as Sub-Commissioners for natives, and whose services are not now available to us.

The reports of the District Native Commissioners will speak for themselves. But I must bear powerful testimony to the fact that they and their subordinate officers have acquitted themselves with credit, and have discharged most valuable duties to the Government and people of this Colony. Their removal in some cases, on account of retrenchment, has met with remonstrance from the public and formed the subject of discussion in the last Session of the Legislative Council.

### 3.—LAND.

A special report issued by me on the question of the land occupied by natives, not only sets forth the present position in regard to such land, but gives the history of the treatment of this question from the earliest days of the late South African Republic to the beginning of the last Boer War.

Upon laying this Report before His Excellency the Lieutenant-Governor, I took occasion to explain that it has entailed much labour and research, and that I was much indebted to the officers of the Native Affairs Department, who had either collated or furnished the information, more particularly the Secretary for Native Affairs, the Assistant Secretary, and the Native Commissioners, Northern and Western Divisions.

In many instances the land on which the aboriginal tribes were living at the arrival of the Boer immigrants, or before that time, was allotted to the farmers as it was found suitable for European occupation. The natives were obliged either to regain possession of the land by purchase or to become tenants of the farmers.

The events or vicissitudes by which natives have come to be established on their present places of residence are briefly traced in the report, and reference is made to the tribes who were granted locations in conformity with treaty obligations between the South African Republic and Her late Majesty's Government.

A number of treaties by which native chiefs ceded territory to the South African Republic are also referred to, and the circumstances in which certain tribes rebelled and were dispossessed of their land and broken up by the Boers are described. Chiefs to whom locations had been promised by the late Government, or who, from the number of their people, were entitled to locations, are named in the report.

The early refusal of the Government of the late South African Republic to allow natives to hold land in their own names is recorded, and it is shown how natives adopted the expedient of buying farms, which were registered in the names of missionaries. The change by which natives were, during the first British Occupation, allowed to buy land, to be registered in the name of the Secretary for Native Affairs, as Trustee, is mentioned, as also is the fact that this principle was subsequently affirmed by the London Convention. It is shown that this method of registration was followed by the late Government up to the outbreak of hostilities. Lists of farms acquired by natives by purchase, or granted to them as locations, accompany the report.

Returns compiled by this Department show that the land principally occupied by natives is equivalent to about one-fourteenth of the whole area of the Transvaal, and is approximately as follows :—

- (a) Government Locations : Area, 2,120 square miles ; 1-52nd part of the Transvaal.
- (b) Farms owned by natives : Area, 853 square miles ; 1-130th part of the Transvaal.
- (c) Undefined Locations on Private Farms : Area, 3,863 square miles ; 1-29th part of the Transvaal.
- (d) Undefined Locations on Government Farms : Area, 1,008 square miles ; 1-110th part of the Transvaal.

It thus appears that the land now exclusively reserved for native purposes by the Government and farms actually owned by natives themselves is equal to not more than 1-38th part of the whole Colony.

The remaining area is held either by European individuals and companies or by the Government.

It will at once be seen therefore that the natives are practically secured in their occupation of only a very limited extent of land, whilst the great majority of them are merely in the position of tenants at will.

The conditions under which natives are allowed to live upon private or Crown land have been, as far as possible, assimilated.

On Crown land they are in the position of tenants of the Lands Department, subject to three months' notice on either side. Each male adult pays an annual rent of £1, and agrees to give, if required, six months' labour every year at the current local rate of wages. This contract confers the right (a) to cultivate such land as may be allotted to them, (b) to graze such stock as may be their *bona fide* property, and (c) to use such wood and water as may be needed for ordinary domestic requirements.

With regard to private farms, the system has been adopted of encouraging a definite agreement, in writing, between the landowner and his native tenants, which is authenticated and recorded by the Native Commissioner of the Division. This agreement sets forth the conditions of tenancy as regards residence, cultivation, grazing, and fuel on much the same lines as prevail in connection with tenants on Crown land, though the rate of wages and amount of labour is separately determined in individual cases.



The system was instituted in consequence of the many difficulties which had arisen between farmers and their native tenants, and its operation hitherto has been satisfactory. About 400 contracts have been recorded in the District Offices of the Department.

The question of squatting and the Squatters' Law is fully dealt with in a separate memorandum presented to the Legislative Council, which, for the purpose of reference, is printed as Annexure "A" hereto.

#### 4.—LABOUR.

At a Conference held in Bloemfontein in March, 1903, which was attended by official representatives from all the territories of British South Africa, a resolution was adopted in the following terms:—

"That the Conference, after considering all available statistics and hearing the reports of the  
"highest official authorities of the several States, has come to the conclusion that the native  
"population of Africa, south of the Zambesi, does not comprise a sufficient number of adult  
"males capable of work to satisfy the normal requirements of the several Colonies and at  
"the same time furnish an adequate amount of labour for the large industrial and mining  
"centres.

"Under these circumstances, it is evident to the Conference that the opening of new sources  
"of labour supply is requisite for all the South African States."

The continued scarcity of unskilled labour became a matter of such grave concern to the prosperity of the Colony that a Special Commission was appointed by the Transvaal Government to enquire into the necessities of the agricultural, mining, and other industries, and to ascertain how far it would be possible to obtain an adequate supply of labour to meet their requirements from Central and Southern Africa.

The Commission sat in Johannesburg from the 21st July to the 6th October, 1903.

Evidence was taken from witnesses from all parts of Central and South Africa.

Its exhaustive investigations led a decided majority of the Commission to the following conclusions:—

- (1) That the demand for native labour for agriculture in the Transvaal is largely in excess of the present supply, and, as the development of the country proceeds, this demand will greatly increase.
- (2) That the demand for native labour for the Transvaal Mining Industry is in excess of the present supply by about 129,000 labourers, and, whilst no complete data of the future requirements of the whole industry are obtainable, it is estimated that the mines of the Witwatersrand alone will require, within the next five years, an additional supply of 196,000 labourers.
- (3) That the demand for native labour for other Transvaal industries, including railways, is greatly in excess of the present supply, and will increase concurrently with the advancement of mining and agriculture.
- (4) That there is no adequate supply of labour in Central and Southern Africa to meet the above requirements.

The issue of this report was shortly afterwards followed by the introduction of a Labour Importation Ordinance, which was passed in the local Legislative Council by a large majority. Regulations have since been passed for the importation of Chinese labourers, a large number of whom are now actually employed on the mines.

Probably few questions have aroused so much general feeling in South Africa as the policy of the importation of Asiatics. There is no doubt that public opinion was united in a strong opposition to the proposal until it was shown by the definite findings of this Commission that the available native labour supply of South Africa was inadequate for its industrial needs.

The mining industry is still suffering for want of labour. Recruiting operations have been actively carried on throughout the native territories of South Africa by the Witwatersrand Native Labour Association and by numerous independent labour agents, with the result that the supply has, during the past twelve months, been gradually augmented, though the increase is hardly appreciable when the enormous demand is taken into consideration.

During the last two months there has been a decrease in the output of labour from Portuguese Territory, which is ascribed to plentiful crops.

The following figures will illustrate the position this year as regards native labour within the Labour Districts of the Witwatersrand, compared with the situation as it was on the 1st July, 1903:—

1st July, 1903.		1st July, 1904.		Increase.	
Mines.	Other Employ.	Mines.	Other Employ.	Mines.	Other Employ.
67,782	49,131	77,567	55,716	9,785	6,585



Appendix No. 18 shows that the total number of natives employed within the Labour Districts during the year exceeded that for the preceding twelve months by more than 16,000, and that nearly the whole of this increase was derived from :—

						<i>Approximately.</i>
Natal, which contributed	33	per cent.	..	..	..	4,000
Cape Colony, „	34	„	..	..	..	4,000
Transvaal, „	38	„	..	..	..	8,000
						<hr/> 16,000

A significant feature of this return is that the increase from Portuguese Territory, which supplies almost half of the entire labour for the mining districts, was only 5 per cent., or rather less than 3,000 men.

The Portuguese authorities attribute this result to the facts :—

- (1) That the crops this season were abnormally high (no such harvest having been reaped for nine years), and the natives were consequently indulging in feasts and beer-drinking at their homes;
- (2) That the natives had not the same opportunities now as they formerly had of spending their earnings on the gold fields; and
- (3) That they were, therefore, returning from labour with large sums of money accumulated during the period of their service there.

It is difficult to account for the shortage from other sources, which amounted to about 5,000.

*British Central African Natives.*—The circumstances under which arrangements were concluded through the Foreign Office with the Uganda Administration for the recruitment of native labour within the Protectorate were briefly referred to in my Report for 1903, paragraph 9, page A. 9. It may here be mentioned again that, under an agreement between the Witwatersrand Native Labour Association and His Majesty's Commissioner for the British Central African Protectorate, over 700 natives were engaged for service on the mines as an experiment. A full report upon these natives was presented to the British Consul-General at Zomba on the 26th September, 1903, by Mr. J. C. Casson, who had been specially commissioned to Johannesburg for the purpose of enquiring into their general condition and treatment. The results of this experiment were not at first encouraging, but the prospects of its success have since become much more hopeful.

Anxious to persevere with the enterprise, the Chamber of Mines sought and obtained permission in February last to engage a further contingent of 5,000 labourers. It has been arranged, however, that these natives shall not be brought down to the mines until the winter season is over.

Meanwhile, Mr. Knipe, an officer of the British Central Africa Administration, has been seconded from that Service for employment by the Witwatersrand Native Labour Association to superintend all British Central Africa natives working on the mines.

A return of natives from the Protectorate at present on the Rand is enclosed. (See Appendix No. 27.)

*Portuguese West Africa.*—Upon the representations of the Chamber of Mines, communications were entered into with the Portuguese Government in November, 1902, with the object of obtaining permission for the Witwatersrand Native Labour Association to send agents to institute enquiries and to recruit native labour, if possible, in Portuguese West Africa.

The negotiations which ensued were concluded by a note from the authorities in Lisbon, dated the 29th December, 1903, to the effect that the Portuguese Government regretted that it was not possible, at all events for the present, to accord its assent to this proposition.

*German West Africa.*—Towards the end of 1902 an agreement was made between the Witwatersrand Native Labour Association and the Governor at Swakopmund for the recruitment of native labour in German West Africa, and the first gang of labourers arrived from there at Johannesburg, *via* Capetown, on the 27th December, 1902. Further batches have since been received, and there are now 731 men from that part of South Africa employed on the mines.

It is to be regretted that this experiment has not been so satisfactory as to encourage any hope of procuring an appreciable supply of labour from this source.

As compared with other natives engaged upon the mines, it has been found that the Damaras are unruly and difficult to manage.

*Mozambique.*—At the instance of the Chamber of Mines an enquiry was addressed by His Excellency the High Commissioner in January last to the Governor of Mozambique as to whether the Portuguese Government would be prepared to assent to an extension of the contract period of service with natives recruited in Portuguese Territory north of parallel 22 from one to two years, in view of the heavy expenses entailed upon the mines by importation from such distant regions. A reply was received on the 16th March to the effect that this proposal could not be favourably considered.

#### 5.—HEALTH.

The general health of the natives in the Transvaal is good.

No serious epidemics have occurred. Leprosy is to be found in nearly every district, and venereal diseases are very prevalent.



Pulmonary tuberculosis is increasing, and may, if not arrested, assume serious proportions. It is held to be due to two principal causes :—

- (1) The use of European clothes, which tends to diminish hardiness ; to the loss of physique and of the power to resist exposure.
- (2) Continual bad seasons, during which the people are impoverished and suffer from loss of their natural food, such as the nourishing millet, and the inability to obtain milk owing to the loss of cattle from disease.

#### 6.—PLAGUE.

Ever since bubonic plague made its appearance in South Africa it was feared that it might, sooner or later, find its way from the coast ports to Johannesburg, which was particularly exposed to contagion by the natural gravitation of population and traffic to such an important centre of industry.

Unfortunately, the disease did break out on the 20th March ; first in an acute pneumonic, and subsequently in a bubonic form. As soon as the first proved cases were reported, a Committee was appointed by the Government to deal with the outbreak. Effective measures were immediately taken for the treatment of patients and to isolate the infected area, known as the Coolie Location, which was inhabited by Indians and natives, not far distant from the heart of the town. Measures were also adopted to prevent the movement of coloured persons without medical certificates of health throughout the Witwatersrand District.

The assistance of this Department was invoked to ensure a strict observance of these necessary precautions, especially at the different Pass Offices. The location was subsequently entirely destroyed by fire, and the inmates moved to a camp some nine miles distant from the town, where it is now intended that they shall be permanently located. All the personal effects of the natives resident in the location were assessed by officials of this Department before its destruction, so that they may be duly compensated for their property.

The removal of this and other native locations from the town has been undertaken in the best interests of the whole community.

It is always difficult to control the sanitation of a coloured settlement within the precincts of a Municipality. Overcrowding invariably takes place in squalid tenements, which give rise to disease, and ultimately drift into an asylum of vice and criminal resort. The establishment and control of such locations is engaging the earnest attention of the Johannesburg Municipality, in consultation with this Department.

It is manifestly undesirable to allow any unauthorised residence of natives in the midst of a European community, and I hope that the arrangements now under consideration may be carried out to the benefit of all concerned.

The Special Plague Officer has kindly furnished me with a return, showing the following particulars as to the total number of cases dealt with from the outbreak of the epidemic up to the 30th June :—

Race.				Recovered.	Died.	Under Treatment.	Total.
Whites	..	..	..	11	13	3	27
Coloured	..	..	..	4	—	—	4
Asiatics	..	..	..	2	55	1	58
Natives	..	..	..	22	28	8	58
Total				39	96	12	147

Dr. Mackenzie states :—

- (1) That the epidemic has steadily decreased, both in incidence and virulence, from the date of its first appearance in the Coolie Location ;
- (2) That the amount of infection caused through the epizootic amongst rats is very great, and, in spite of the most drastic disinfection in the infected areas, it is feared that there will be a recurrence of the disease in the wet weather ; and
- (3) That at present (19th July, 1904) the condition of affairs is very satisfactory, as there has been no reported case of plague for over a fortnight.

#### 7.—HEALTH AND GENERAL CONDITION OF NATIVE LABOURERS ON THE MINES.

A special report upon this question was submitted from this office to His Excellency the Governor on the 31st of March, and forms an enclosure to this Report. (See Annexure "B.")

It is satisfactory to note from the chart that a marked reduction is already shown in the rate of mortality on mines in proclaimed Labour Districts. (See Appendix No. 29.)

A copy of an interesting report which the Portuguese Curator of Natives in Johannesburg presented to the Governor-General of Mozambique on the 5th June is enclosed. (See Annexure "C.")

It will be seen that the Portuguese Curator records with pleasure "that the natives on the mines are, as a rule, better treated now than they had ever been, enjoying every possible comfort, good food, and lodging which leaves nothing to be desired, either in respect of accommodation or hygiene."



## 8.—NATIVES' COMPENSATION CLAIMS.

The Native Commissioners completed the assessment of the claims made by natives in the Transvaal for compensation for war losses early in November last, and some claims have since been received and admitted for special reasons. The total number of claims and the amount assessed are as follows:—

<i>Number.</i>	<i>Assessed at.</i>
11,252 Claims for property taken or destroyed by the British Troops .. .. .	£514,105 14 4
4,633 Claims for property taken or destroyed by Boers.. .. .	147,001 1 9
Total .. 15,885 Claims assessed at .. .. .	£661,106 16 1

An extract from a detailed report made by the Secretary for Native Affairs on 18th November, 1903, is attached. (See Annexure "D.")

The admitted claims have been strictly confined to losses of live stock, grain, seed, and agricultural implements.

The distribution of the sum of £300,000 available for compensation to natives in the Transvaal, Orange River Colony, and territory ceded to Natal, having now been settled, the payment of claims will be undertaken as soon as possible.

The amount available for the Transvaal is £114,000, which will allow a dividend of about 3s. 5d. in the pound. The distribution of this money will entail a considerable amount of work, and probably some months will be occupied in its completion.

## 9.—NATIVES' MILITARY RECEIPTS.

As mentioned in last year's Report, this Department undertook the work connected with the redemption of Military Receipts which had been given to natives in the Transvaal for stock, etc., impressed from them for the use of the British Army during the war. Up to 30th June, 1903, the number of receipts thus redeemed and the amount paid out was as follows:—

	<i>Receipts.</i>	<i>Amount.</i>
During the six months ending 31st December, 1903 .. .. .	2,948 .. .. .	£163,109 17 8
.. .. .	517 .. .. .	29,381 15 11
Making a total of .. .. .	3,465 .. .. .	£192,491 13 7

This total includes 437 receipts, to the value of £23,529 10s. Od., which were paid out to Transvaal natives by the Staff Officers for Receipts at Standerton and Newcastle, assisted by Officers of this and of the Native Refugee Department.

In December arrangements were made for the transfer of this work to the Repatriation Department, and the balance of money which had been received in liquidation of receipts, and had not then been paid out to the natives entitled to it, was handed over to that Department. This balance represented 406 receipts, to the value of £12,168 4s. 6d., belonging to natives who had not been traced. There also remained 131 original Military Receipts, amounting to some £2,500, which had been collected from natives by the Military Authorities at different times and places, but had not been assessed or passed for payment, and whose owners had not been traced. There was thus a total of 537 receipts, to the value of £14,600, which remained unclaimed. The unassessed receipts were handed over to the Central Judicial Commission, and it was arranged that applications would be received through the Native Commissioners on behalf of natives claiming any of the receipts up to March 31st, 1904.

A copy of the report sent to the Secretary to the Treasury on 16th January, 1904, on the completion of the arrangements for the transfer to the Repatriation Department is attached. (See Annexure "E.")

Several applications have since been made on behalf of natives whose ownership of receipts has been fully established, and these have been paid out. The reasons why so many receipts are unclaimed are fully stated in the report above referred to.

## 10.—NATIVE TAX.

The books and receipts necessary to the collection of the native tax were distributed in January, and the collection was subsequently proceeded with, though the bulk of payment was made in the months of May and June.

A sum of £275,775 was actually accounted for to the Treasury on the 30th June, as compared with £271,503 during the corresponding period of last year. (See Appendix No. 17.)

As the District Staff of the Department was almost entirely absorbed in Census work during the month of April, the collection of the tax for the year was set back.

## 11.—EDUCATION.

In the Report of last year the system adopted by the Education Department in the matter of native education was fully set forth. Briefly, it was that assistance given by Government should be granted through the channel of religious bodies of standing, approved by the Government, upon certain conditions, one of which was that each native Mission School receiving aid must be specifically under the superintendence of a white Missionary or other European recognised by Government as competent to exercise efficient control and be responsible for the disbursing of subsidies, furnishing of returns, and the keeping of proper accounts.



The basis of grants were stated to be the satisfactory conditions as regards—

- (a) Average attendance.
- (b) Building, general equipment, and sanitary provision.
- (c) Discipline and organisation.
- (d) Efficiency and instruction.
- (e) Local contribution.
- (f) Government inspection.

Many of the natives are beginning to realise the value of education, and are eager in their desire to avail themselves of its advantages.

Wherever a demand is made for educational facilities and the circumstances admit of it, the Education Department is prepared to co-operate.

A return of schools and other particulars will appear in the Appendix. (See Appendix No. 5.)

It is essential that wherever there is legitimate desire by natives for education, it should be afforded, provided it is controlled and limited, in the case of the masses, to a sphere of instruction likely to be of general use to themselves. The more the standard of native life can judiciously be raised, the more industrious the natives must become, because of the additional wants which follow and the increase of labour required to gratify such wants.

A small body of rather an advanced school of thought have recently established an organisation, known as the African Vigilance Association, having its centre at Pietersburg and supporting a paper called "Leihlo" or "The Eye," the avowed object of which is to ventilate current native opinion and feeling and the cultivation of native interests. So long as such publications are confined to the consideration of social matters, their circulation may be of benefit to the natives; but the treatment of political questions in print is calculated to do more harm than good, because the mass, which is not educated, is quite unable to understand open discussion on such matters, and is apt, not only to place a wrong construction upon the liberty of public discussion, but to be led astray by mischievous people.

A good deal of public criticism has centred round the action and the attitude of what is known as the African Ethiopian movement or African Methodist Episcopal Church. It is a quasi-religious movement, and some of its agents are none too discreet. In many cases they have severed themselves unceremoniously from the old established Mission Societies and drawn off a number of their adherents. There is apparently no harmony between this sect and the Mission Societies of South Africa, who are well known for the great work they have done in the past. So far as this Colony is concerned, no official recognition has been given to the African Methodist Episcopal Church.

#### 12.—CENSUS.

Arrangements were made early in the month of November with the Principal Medical Officer of Health, who had been appointed as Census Commissioner, for an enumeration of the entire native population of the Transvaal in connection with the general Census which was taken throughout South Africa on the night of the 17th April.

The method adopted by the Department for carrying out this work is described in the enclosed copy of circular instructions to Native Commissioners. (See Annexure "F.")

Nearly all the District Officials of the Department were employed exclusively upon this duty during the month of April. From the reports received it appears that the system of enumeration proved to be a success.

Advantage has been taken of the opportunity afforded by this Census of compiling certain valuable statistical data, which are now appended to this Report.

It will appear from the return of population that the general distribution of the natives is approximately estimated as follows (See Appendix No. 1):—

Farms	..	..	..	..	..	..	..	..	54.1 per cent.
Crown Lands	..	..	..	..	..	..	..	..	22.2 per cent.
Locations	..	..	..	..	..	..	..	..	20.2 per cent.
Towns	..	..	..	..	..	..	..	..	3.5 per cent.

and that the population consists of—

Men	..	..	..	..	..	..	..	..	25 per cent.
Women	..	..	..	..	..	..	..	..	29 per cent.
Children	..	..	..	..	..	..	..	..	45 per cent.

#### 13.—LABOUR AGENTS.

The Regulations regarding recruitment were amended in October last to facilitate the supply of native labour. With this object in view, the employment of duly authorised native messengers was legalised, and agents were permitted to recruit for more than one employer at one and the same time, provided that they produced proof that they had *bona fide* employment for the natives they engaged, and were not recruiting at large simply with a view to disposing of the services of the natives at as high a price as possible.

During the year 300 licenses have been issued to 234 labour agents, 73 of the licenses being renewals, and 7 being transferred from the original holders. Particulars are furnished in a separate statement herewith.

The total fees for the year amounted to £1,552 10s. 0d. (See Appendix No. 26.)



## 14.—COMPOUND OVERSEERS.

Two hundred and sixty-three licences, including renewals, have been issued to 149 men who are, or have been, employed in supervision of the natives in the various compounds. The number of companies or employers to whom these overseers have been registered is 115 :—

Gold Mining Companies	..	..	..	..	..	88
Collieries	..	..	..	..	..	14
Central South African Railways	..	..	..	..	..	1
Other Employers	..	..	..	..	..	16

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The number of licensed overseers has been increased by the proclamation of new Labour Districts, the Diamond Fields of Pretoria and Coal Fields of Middelburg now coming under the Regulations.

The total fees amounted to £1,337.

## 15.—LETTERS OF EXEMPTION.

Since July 1st, 57 additional applications have been made for this privilege and 30 Letters of Exemption have been granted.

## 16.—REGISTRATION CERTIFICATES.

In addition to those already registered, 295 coloured persons have applied for this special registration, which appears to be of material assistance to them in obtaining employment.

The registration being for a period of twelve months, many of the certificates first issued have expired, and 155 of those who were in possession of these certificates have applied for a renewal.

As there was reason to believe that this privilege was abused by coloured persons selling their certificates to natives at a considerable premium, a new form of certificate was designed at the expiration of the first year, which tends to minimise this traffic and to render its detection more easy.

The total fees amounted to £458 7s. 0d.

## 17.—DEPOSIT AND REMITTANCE AGENCY.

The transactions of this Agency have increased during the period under report, as compared with the previous year, and it is apparent that the natives are realising the advantages offered by the Agency.

A number of them still continue to entrust their earnings to friends or relatives returning home, while others make use of Money Orders issued by the Postal Authorities. In the one class of cases, the natives to whom the money is entrusted frequently fail to deliver it to the person for whom it is intended, and the Money Order system is found not to be adapted to the circumstances of uneducated natives. These people are often imposed upon by their better educated brethren, and in some instances the name of the payee is mis-spelt or the native named is beyond the reach of postal communication, and the Money Order thus lapses to the Postal Department.

By contrast, the system of the Remittance Agency is found to afford security with a modicum of despatch, which will in time establish the Agency in the minds of the natives as the recognised medium for sending their earnings to their people.

No money is remitted to Portuguese Territory.

A return is appended showing the remittances to the different Colonies for the past year. (See Appendix No. 40.)

The approach of the annual tax collection always causes an increase in the amount of remittances, and the scarcity of food in the different parts of South Africa during the past year has tended to swell the transactions of the Agency.

The number of sums deposited by natives for safe custody locally has increased. It is becoming more general for natives to open accounts, though the greater number of depositors are men from Natal and Basutoland. Though there are such large numbers of natives from Portuguese Territory employed on the Witwatersrand, the amount they have deposited for safe custody is inconsiderable. No opportunity has been missed of explaining to and impressing upon them the advantages of the Agency.

Numerous applications are received by the Agency from native women, asking that their husbands or sons may be induced to return home or to send money for the support of their families, and all such matters are attended to in the best interests of the natives.

A return of deposits, withdrawals, and balances accompanies this Report. (See Appendix No. 41.)

The total transactions of the Agency during the year under report were as follows :—

Remittances	..	..	..	..	..	£32,395	6	6
Deposits	..	..	..	..	..	11,487	9	5
Withdrawals	..	..	..	..	..	10,420	12	11

## 18.—ADMINISTRATION OF INTESTATE ESTATES OF DECEASED NATIVES.

Between the 1st July, 1903, and the 30th June, 1904, there were 169 native estates dealt with by this Department, in respect of which small sums, amounting to £739 7s. 11d., were received and accounted for.

During the same period 113 payments from the Native Estates Account, amounting to £779 1s. 10d., were made to the next-of-kin of the deceased natives and to persons to whom the estates were indebted.

The balance standing to the credit of the Native Estates Account on the 30th June, 1904, was £1,202 1s. 11d., the greater proportion of which may be regarded as belonging to derelict estates.



An inconsiderable number of the estates dealt with are those of natives from Portuguese Territory, and in all such cases the report of death and any funds belonging to the estate are handed over to the local Curator of Natives to the Portuguese Government.

#### 19.—COMPENSATION IN CASES OF NATIVES KILLED OR INJURED ON THE MINES.

The Chamber of Mines recently concluded an arrangement with the different mining companies providing for the payment of compensation to the relatives of natives killed through accidents on the mines or to the natives themselves in cases of permanent disablement. The scale of compensation is:—

- (1) In case of death or permanent total disablement: £35.
- (2) In case of partial disablement: £17 10s. 0d.
- (3) In case of picaninnies or umfaans: half the above amounts.

In the event of the death of a native, the benefits are limited to the deceased's wife, children under age, or parents, if proved to have been dependent upon him.

In the present state of the law, companies are under no liability to natives injured while in their employ, unless negligence can be proved against them.

The scheme for the payment of compensation does not affect the legal position as between the native and his employer, though in no case is any payment made unless the payee gives a receipt in full discharge of any claim he may have against the company.

This Department renders all possible assistance in tracing the beneficiaries where natives are killed through accident.

#### 20.—NATIVE MARRIAGES.

A statement showing the number of marriages solemnised, according to Christian rites, during the period from 1st July, 1903, to June 30th, 1904, is appended. (See Appendix No. 3.)

Ordinarily, these marriages have been celebrated after the publication of banns, but since the 1st July, 1903, two applications were made to the Colonial Secretary for special licenses to enable certain natives to have their marriages solemnised without the publication of banns. The necessary permission was granted in both instances.

#### 21.—TRIBAL HISTORY.

A concise history of the native tribes of the Transvaal is in course of compilation, collected from material obtained by the various Native Commissioners and Sub-Native Commissioners and from records of the late Government.

The history when completed will contain information as to the original place of residence and sphere of influence of the larger tribes of the Transvaal, and will describe the causes of their frequent sub-divisions and migrations.

The history of the tribes belonging to distinct groups will be outlined and many tribal customs and characteristics will be referred to.

#### 22.—SOUTH AFRICAN NATIVE AFFAIRS COMMISSION.

A resolution was passed at the Bloemfontein Conference on the 17th March, 1903, to the following effect:—

- “That it is desirable that a South African Commission be constituted to gather accurate information on affairs relating to the natives and native administration, and to offer recommendations to the several Governments concerned with the object of arriving at a common understanding upon the question of native policy. Such Commission to consist of two representatives from each of the Colonies and one each from Rhodesia and Basutoland, with a separate chairman to be nominated by the High Commissioner.”

A Commission was accordingly appointed, and met for the first time in Capetown on the 29th September last. It was adjourned during the first week in December, and re-assembled in the Transkei, Cape Colony, on the 11th March, 1904, subsequently sitting in Natal.

Local evidence is being taken at various convenient centres in all parts of British South Africa.

Reports are submitted from the following branch offices of the Department (see Annexures “G,” “H,” “J,” “K,” “L,” “M,” “N,” and “O”):—

- (a) Native Commissioner, Northern Division.
- (b) Native Commissioner, Eastern Division.
- (c) Native Commissioner, South-Eastern Division.
- (d) Native Commissioner, Western Division.
- (e) Native Commissioner, Central Division.
- (f) Native Commissioner, North-Western Division.
- (g) Pass Commissioner, Johannesburg.
- (h) Warden, Government Game Reserves.

Appendices 1 to 45 are also attached.

These documents furnish a general retrospect of the work performed by and under the immediate direction of the responsible officers concerned.

In conclusion, I desire to place on record my appreciation of the good services rendered to Government by the officers of the Department during the year under review.

G. Y. LAGDEN,

*Commissioner for Native Affairs.*

Johannesburg,  
31st August, 1904.



## SCHEDULE OF ENCLOSURES.

### 1.—ADMINISTRATIVE.

ANNEXURE.	MEMOS., REPORTS, &c.
A.	Memorandum on the Squatters' Law (Transvaal).
B.	Memorandum on the Health and General Condition of Native Labourers on the Mines.
C.	Report by the Portuguese Curator of Natives in Johannesburg.
D.	Report by Secretary for Native Affairs—Native Compensation Claims for War Losses.
E.	Report by Secretary for Native Affairs—Natives' Military Receipts.
F.	Instructions concerning the Native Census.
G.	Report by Native Commissioner Northern Division.
H.	" " Eastern "
J.	" " South-Eastern "
K.	" " Western "
L.	" " Central "
M.	" " North-Western Division.
N.	" Pass Commissioner, Johannesburg.
O.	" Warden, Government Game Reserves.



*Annexure "A."*

## MEMORANDUM ON THE SUBJECT OF THE SQUATTERS' LAW.

*Transvaal.*

Law 21 of 1895, commonly known as the Squatters' Law, was passed by the late Transvaal Government after a consultation with the Government of the Orange Free State, though in many respects the laws are different, that of the Orange Free State being more definitely and usefully expressed.

The preamble of the Transvaal law recites that it was found necessary to take measures for the prevention of the spread of diseases, the safeguard of its population, the encouragement of free labour, and the checking of squatting, living or congregating of natives or other coloured persons in places other than those appointed by the Government.

It provides—

Article 1.—For the setting apart of further locations for natives as required.

Article 2.—That not more than five native families may live together on private properties who shall be "inhabitants" or hired servants under the control of white persons.

Article 3.—Five families may be allowed as servants for each farm owned, the owner of more than five farms not to keep more than 25 households on one farm.

Article 4.—Every adult white person living on farm as lessee, tenant, or bywoner shall have the same right as the owner to keep five families, provided the owner permits it.

Article 5.—Every portion of a farm, provided it is separately transferred to the name of a white owner, shall be considered as a farm.

Article 6.—Number of families mentioned in Article 2 shall not be exceeded except by permission of Government.

Article 7.—Every owner, hirer, or "inhabitant" must give a written permit to reside to the heads of families which he keeps showing the place where they may establish themselves.

Penalties are provided against those who give permits for more families than are allowable, and against coloured people having no such permits.

All coloured persons without lawful permits are removable by Native Commissioner or Sub-Commissioner.

Article 8.—Coloured persons living on private properties under this law are required, in the absence of a special agreement, to give three months' notice of leaving to the owner or tenant and to the Commissioner or Sub-Commissioner.

Similar notice is required by the owner or tenant to natives lawfully kept by him, such natives having a right to harvest standing crops.

*Orange River Colony.*

The Free State Laws differ in the following material respects :—

Article 22, Chapter CXXXIII. :—Gives the interpretation of heads of families as persons who have one or two wives or a family, excepting those over 60 years of age who have no children fit for work.

Law No. 4 of 1895—

Article 9.—Provides that with certain exceptions not more than five heads of coloured families shall be on the farm of any one registered owner occupied by himself or by a white person.

Article 10.—Each separate piece of land separately registered, provided it be registered in the name of a white person, shall be considered to be a farm.

Article 11.—Provides that the following coloured persons and heads of families may be kept on a farm without being reckoned as heads of families in the terms of Article 9 :—

- (a) Single coloured persons hired by the owner, lessee, or white occupier.
- (b) Heads of families and other coloured persons temporarily hired for definite jobs, such as dam-making, etc.
- (c) Heads of families and other coloured persons temporarily hired by a white person for job work under contract.

Coloured persons sowing for half profits or servants hired to sow and plough are not included herein.

Article 12.—Should the registered owner or lessee wish to keep more than five heads of families, he may apply to the Landdrost for leave, and the Landdrost will institute enquiry at the expense of applicant, and should he consider that the applicant requires more, he may grant leave, in writing, but not for a greater number than 15 heads of families.



Article 13.—Where a request is made in terms of the last preceding Article, and the Landdrost has to go to the farm to make enquiries, the applicant shall deposit the travelling expenses of the Landdrost at 30s. a day.

Article 14.—Should more than five families be allowed by the Landdrost, the applicant shall be bound to produce his written permission therefor to the Field-cornet, and shall yearly be bound to pay £5 for each head of family above 10 and up to 15. The Landdrost shall keep a register of all permits granted by him setting forth particulars, the reasons for granting permission, etc.

Article 15.—Gives the Landdrost power from time to time to withdraw or modify the permission granted under the last preceding Articles, and directs that notice thereof be given to the owner to remove superfluous families, and in default penalties are provided.

Article 16.—Subject to the exceptions in Article 11 not more than 15 heads of families shall be allowed on any one farm.

Article 18.—Imposes upon the Field-cornet the duty of reporting contraventions to the Public Prosecutor, who shall be bound to take such action as the circumstances require.

Article 19.—Imposes the responsibility upon registered owners for contraventions, unless they can prove that control is vested in the name of occupiers, lessees, etc.

Article 20.—Provides that heads of families enjoying the benefits of sowing and pasturing cattle shall be deemed to fall under the provisions of the Master and Servants' Act.

Article 22.—Provides for liberty to attend Divine Service, whether in the same or in another ward or district under passes available for not more than four days.

Article 23.—The provisions of Articles 9 to 20 shall not apply to recognised Mission Stations, nor to land granted to coloured chiefs and their people, nor to public diggings or coal mines.

It will be seen from comparison that these laws relating respectively to the late Republics differ in many respects, and that the Transvaal law is singularly wanting in those details which are necessary in carrying it into effective operation.

It may be noted, in particular, that whilst the Transvaal law (Section 4) allows every European lessee, tenant, or bywoner the same rights as the owner to keep five families without restriction, the Free State law apparently requires (Section 10) that additional families may be allowed only upon the condition that for every five families a separate sub-division of the farm shall be surveyed and registered.

It is important now to note the salient features in the laws which govern squatting in the Colonies of the Cape and Natal.

#### *Cape Colony.*

In the Cape Colony the standard legislation affecting squatting on Crown Lands or private locations is contained in the Acts 37 of 1884, 30 of 1899, and Government Notice No. 642 of 1899.

The Law No. 37 of 1884 is not very material to the subject, its object being to provide for the management of native locations in general and for the collection of hut tax.

Section 8 and others provide for the appointment and definition of duties of Inspectors.

Under Act 30 of 1899 :—

Section 2.—Defines private location as any number of huts on private property occupied by one or more native male adults, such occupants not being in the *bona fide* and continuous employment of the owner or occupier of such land.

Section 3.—The owner of land on which a private location is established shall be bound to take out an annual license for such location, which license shall not be issued without a certificate signed by the Inspector of Locations, certifying the number of natives are required for the due working of the farm; provided that no such license shall be issued in respect of natives other than those mentioned in Section 11 without the consent of the Divisional Council and the Governor.

Section 4.—For every such annual license, except as hereinafter provided, there shall be paid the sum of 20s. for every male adult.

Section 5.—No license shall authorise more than 40 male adults at any one time to be in occupation of a private location.

Sections 6 and 7.—Provide penalties upon the owners of land on which private locations are established who neglect to take out licenses or allow such locations to be occupied by a greater number of male adults than is authorised.

Section 8.—The owner of any land upon which a private location is established must keep a register of the number of huts, names of occupants of the male adults, and the number and description of stock.

Similar registers shall be kept by the Inspectors of locations.

Section 9.—The occupation of any private property by one native male adult, who is the sole registered owner or lessee paying a rental of not less than £36 per annum under a written lease, shall not be regarded as constituting a private location.

Section 10.—Any two or more native male adults joined in a written lease, and paying a rental of £48 or upwards in the case of two such lessees, and not less than an additional £12 each for any greater number of lessees, who shall occupy any private property as registered owners, shall not be subject to the provisions of this Act with respect to the payment of license fees and hut tax.



In the event of their being joint owners, occupiers, or lessees they shall elect one of their number to be the owner or occupier, who shall be held responsible, and failing such election, the Governor may do so.

Section 11.—The owner of any land on which a private location is established shall be exempt from payment of license fees in respect of :—

1. Any native male adults who are *bona fide* required for the due working of any private property.
2. Any native male adults so old or chronically infirm as to be incapable of rendering service.

Section 13.—The number of native male adults, other than those in *bona fide* and continuous employ, who may be required for the due working of any property shall, subject to appeal provided for in the following sections, upon application for exemption from payment of license fees be decided by the Inspector.

Section 19.—The owner of any land upon which a private location is established shall in any legal proceedings be required to prove the *bona fide* and continuous employment of any native male adult claimed to be exempt from the operation of the Act.

Section 20.—Whenever the words “owner” or “proprietor of the land” are used in this Act they shall be deemed to include the occupier or local representative of any absentee owner or occupier.

Section 21.—Every owner or occupier of any land on which a private location is established shall be liable to be sued in the Court of Resident Magistrate of the District in which such land is situated, and shall be responsible for any charge, fee, or breach of law with regard to such location. Provisions of this Act shall not apply to any location within Municipal areas, but it shall be lawful to apply them.

Government Notice No. 642 relates to native locations on Crown Lands.

Regulation 1.—Provides that no new homestead shall be erected in any location without the consent of the Inspector, who may remove any homestead erected without permission to a more suitable spot.

Regulation 2.—Headmen of locations shall, subject to approval of Inspectors, allot to registered inhabitants arable land, and any persons cultivating land not so allotted, or who shall encroach upon other allotments, are punishable.

Provision is made for the cultivation of any allotment by relatives or friends.

Regulation 3.—All land brought under cultivation at the time of publication of these Regulations shall be taken to have been allotted to the person cultivating the same.

Regulation 4.—The allotments of persons removed from the location shall be at the disposal of the headman, subject to the approval of the Inspector.

Provided that any person who shall remove for the purpose of seeking service shall have the option of leaving his allotment in charge of a relative or friend.

Regulation 5.—No dwelling other than the ordinary Kaffir hut shall be considered of account in these Regulations.

Schedule B to the above Regulations defines the period which shall constitute occupation for the purposes of the Act, and provides for *bona fide* visitors.

#### Natal.

Natal Legislation is contained in Acts No. 2 of 1855, No. 41 of 1884, and No. 48 of 1903, and Government Notice No. 110 of 1887.

The preamble of Act 2 of 1855 reads :—

“Whereas the practice adopted by natives of squatting without license on Crown Land not within native locations and on land belonging to private persons has been carried on to such an extent as seriously to annoy and endanger the agricultural population and to endanger peace and security: Whereas the said practice is at the same time injurious to the true interests of the natives themselves by fostering a desultory mode of culture of the soil opposed to regular industry;

“And whereas the native laws, customs, and usages in force are recognised and retained;

“And whereas it is necessary to make provision for checking the said practice and to regulate the occupation of land by natives.”

But neither this law nor the others alluded to make provision to meet the evils which are indicated in the preamble, and in fact provisions that are made have never been carried into operation.

Section 1.—Makes it lawful for the Resident Magistrate to remove natives from Crown Lands.

Section 2.—Provides a penalty for unlicensed squatting.

Section 3.—Enables the Magistrate to remove natives squatting without leave on private land, or, if residing on such land under agreement which has lapsed or become void, to remove them after giving time to gather in growing crops.

Section 5.—Prohibits the residence on land belonging to any person who shall not personally or by his representative occupy the same unless with the written permission of the Lieutenant-Governor, Colonial Secretary, Secretary for Native Affairs, or Resident Magistrate, and under such regulations as are laid down to ensure the safety of neighbouring inhabitants and proper control; provided that such person or representative shall not be a native unless specially approved by the Resident Magistrate.

Section 6.—No owner or occupier of land shall permit more than three native families to reside on his land unless he shall send in a return showing the number and particulars of such families, the number of heads, and the nature of the agreement.

Section 10.—Every penalty imposed by this Ordinance on any white person shall be recoverable in the Court of the Resident Magistrate of the Division in which such person resides.



The Act 41 of 1884 provides for the collection of rent from native squatters or occupiers of Crown Land.

The preamble reads :—

“Whereas a large number of natives from adjoining Colonies as well as natives belonging to this Colony have been allowed to squat upon or occupy Crown Lands and to cultivate the said lands free from any limit, also to live upon and graze an unlimited number of cattle free from any charge as rent for the free use and enjoyment of the said land ;

“And whereas such squatting or occupation is contrary to law in the best interests of the Colony as well as to the natives themselves and it is also manifestly unjust that the Crown Lands should be exhausted by squatters or occupiers well able to pay a reasonable rent.”

Section 1.—Provides for the payment of rent of £1 per hut per annum, and for increase or reduction of rent according to equity.

Section 2.—Provides that Resident Magistrates shall direct Field-cornets or other officers to furnish a list of all native squatters.

Section 3.—Prohibits further squatting without permission of the Governor.

Section 4.—Squatters are removable upon six months' notice in writing, beginning in the month of January.

Section 5.—Provides for summary removal of natives.

Section 6.—The Governor in Council may make rules and regulations.

According to Act No. 48 of 1903, which amends Law 41 of 1884, the rent per hut per annum was increased from £1 to £2. The Act, which came into operation on the 1st of January, 1904, is not applicable to the Province of Zululand, where the largest tracts of Crown Lands are to be found.

Rules and Regulations framed under Section 6 of Law No. 41 of 1884 provide :—

Section 1.—For the appointment of officers for the collection of rent.

Section 2.—The Surveyor-General to furnish for every division a map of Crown Lands, accompanied by a list of the adjoining farms with the names of owners.

Payment of rent is required from the natives living on such Crown Lands after the Resident Magistrates have to the best of their ability ascertained that such lands are Crown Lands, and that such natives have not paid rent to any one in respect of such land.

Section 3.—Fixes a date and place for payment of rent.

Section 5.—Gives power for the extension of the time of payment.

Sections 6, 7, and 8.—Recite procedure in case of defaulters.

It will be observed that the laws in the various Colonies differ in most material respects. They are none of them clear in construction. Few, if any, are at the present time operative. Indeed, all my information leads to the conclusion that no serious attempt has ever been made to carry them out. There have been agitations in all of the Colonies directed towards the enforcement of these laws, but attempts to do so have at once brought the Government into conflict with land owners, farmers, occupiers, and vested interests.

### *Transvaal.*

Turning now to the Transvaal, with which we are immediately concerned, it is found that this question of squatting engaged attention for many years. There were frequent discussions about it in the Volksraad, extending over many years, and in 1891 a Resolution, No. 359, was passed to instruct the Government, through the Superintendent of Natives, to take care that henceforth no natives were resident on Government land not intended for locations.

No indication appears, however, to have been given as to what was recommended or approved in the matter of natives so removed, and there is no trace of anything having been done.

The next clue to be obtained is in 1895, when a Commission was appointed by the First Volksraad to report on the native labour question.

That Commission enquired why the Volksraad Resolution of 1891 could not be carried out, and having come to the conclusion that the reasons which prevented its being carried out no longer existed, recommended that it be carried out “as far as practicable.”

The Volksraad thereupon, by Article 1,486 of the 4th October, 1895 (Mr. Wolmarans dissenting), re-affirmed the Resolution of 1891, with the addition of the following words : to instruct the Government “as far as practicable” to carry out the Resolution.

What induced the Volksraad to vary the terms of its Resolution does not appear, but it was influenced by some difficulties and complications which had in the interval presented themselves.

In 1896 the First Volksraad, by its Resolution No. 1,019, appointed another Commission to investigate and report why certain instructions to the Government had not yet been carried out.

This Commission reported as follows :—

“In regard to the residing of natives on Government land it has appeared to your Commission that little has been done in the matter, but that according to information received from the Government and from the Superintendent of Natives it was difficult under the given conditions fully to carry out the instructions of the First Volksraad.”



The First Volksraad, having considered the report, then resolved, by Article No. 2,262, that :—  
 “Considering the still unsettled points of the report of the Commission to instruct the Government to carry out the instructions contained in previous Resolutions.”

In 1897 the matter again came before the Volksraad, and a Commission was appointed to consider petitions upon the subject.

The First Volksraad resolved, by Article 850 of that year, to instruct the Government to order the Superintendent of Natives, as soon as possible, to carry out the First Volksraad Resolutions Nos. 359, 1,486, and 2,262 hereinbefore alluded to, and, if required, to give the necessary assistance to that officer.

On the 22nd October, 1897, the following Notice was issued by the Superintendent-General of Natives to Commissioners, Sub-Commissioners, and Landdrosts of those districts where no Commissioners had been appointed :—

“Whereas it has been brought to my notice that natives are squatting on various Government farms in this State ; and Whereas the Honourable the First Volksraad has strongly disapproved thereof ;

“I hereby instruct you to have all natives squatting on Government farms removed as soon as possible.”

“(Signed) P. A. CRONJE.”

On the 2nd February, 1899, the following letter was addressed by the Superintendent of Natives to the State Secretary :—

“As the Honourable the First Volksraad has most strongly disapproved of natives squatting on Government land, in consequence whereof I issued a circular instructing the Commissioners and Sub-Commissioners of Natives to remove all natives from Government farms, and as it now appears that notwithstanding my repeated instructions to carry out the Resolutions, various Native Commissioners have unanimously given me to understand that in districts where there are many natives on Government land it is impossible to comply therewith for the following reasons :—

“In those districts where there are many natives the locations are too small, and thus many natives are residing on Government land.

“Now if these natives are removed from Government farms they cannot trek into locations because they are too small, neither will they go to work with Boers as they do not wish to live on barren fields. The consequence of this is that they fly across the Borders, and that in that way many natives are lost. The removal of natives from Government lands has thus the opposite result to the one intended, viz., to supply the burghers with natives.

“The Native Commissioners can exercise much influence on the natives living on Government farms, and therefore can assist the burghers. While if the natives are removed they can do nothing whatever to assist the burghers.

“It is for the above reasons that I request not to remove the natives from the Government farms, but that they may continue to reside thereon under conditions to be determined by me.

“I have, etc.,

“(Signed) P. A. CRONJE.”

On the 8th May, 1899, a letter was addressed by General Cronje to the Government, in which he urged the repeal of original Resolution 359 of the 10th June, 1891, and the framing of proposals under which natives should be allowed to reside on Government farms, more especially in those districts where it was too unhealthy for whites to reside, i.e., Lydenburg, Waterberg, and Zoutpansberg.

It will be seen that in the Resolution and correspondence quoted between the Government and its officials, for reasons best known to themselves, no allusion is made to any intention of putting into operation the Squatters' Law elsewhere than upon Crown Lands ; that is to say, it was apparently not found practicable to deal with squatting on private lands. With the law on their side, the power to carry it out, and the well-known desire to distribute labour in such a way that agricultural interests might derive the benefit of it, for which, indeed, they were always clamouring, the only assumption is that the difficulties and complications were such as to prohibit the application of the law.

From information received by me, in reply to enquiries, I learn that the Government hesitated to bring the law into operation in view of the opposition against it in many quarters, and the consequences that might be entailed.

I share the view that a general and drastic application of the law throughout the country might lead to results of a far reaching nature, and, as it stands, I cannot recommend its summary or full enforcement.

From statistics gathered early in 1903 relative to the distribution and density of the native population, the following estimates were drawn :—

The population of native men, women and children upon a tax-paying basis, estimated on the 30th June last, was 605,000 ; and, making allowances for absentees within the country at that time, it was estimated that there might be another 20,000 unaccounted for, and that the domiciled population might amount to 650,000.

These numbers are, of course, exclusive of all natives who have migrated here as temporary residents for the purpose of labour, and all those who had left the country during the war and had not then returned.

Until the full Census returns are published, nothing positive can be stated as to the actual numbers and their distribution.



Of the number actually known to reside in the territory, about 112,000 were resident on established locations set apart for them, and on private farms purchased and owned by natives 41,000 were resident. It has since been discovered that certain farms purchased by natives are held in trust by Missionaries. Full records are not forthcoming, but the matter is being investigated. The result will tend to increase the native population on such farms.

Residing in locations of one sort or another on private farms, there were ascertained to be about 135,000, and on Government ground or Crown land about 82,000. In the remainder of the country—*i.e.*, scattered on the farms, and in the various towns—there were about 235,000. The large locations on private farms and on Crown Lands are for the most part situate in unhealthy parts, where, as a rule, white settlement is not practicable.

The paramount question is, What would be the effect upon the country generally of breaking up these locations on private farms and Crown lands?

At the present time, the Commissioner of Lands, who, on behalf of the Government, represents the owner, is charging a rental at the rate of £1 per hut for occupation of Crown lands.

This arrangement is on all fours with the system obtaining in Natal, and the amount charged corresponds to that levied in the Cape for every male adult not in the *bona fide* and continuous employment of owners.

A rental similar in amount is, as a rule, charged by the private owners of land in the Transvaal to native occupiers. But there are no laws which regulate or control locations on private land. The spirit of the Squatters' Law is, apparently, to make such locations prohibitory.

We have, therefore, to consider what, in view of the conditions existing, the circumstances of the country, and the absence of direct legislation, is best to be done.

I do not hesitate to express the conviction that, were the Government to endorse the original resolutions of the late Republic, and to order the summary breaking up of all private locations and the removal of all natives now squatting on Crown lands, the order would first of all be met by remonstrances from those who were deputed to carry it out, and that then, if they were compelled to do so, it would react in a way most detrimental to the interests of the country.

The first difficulty to be encountered by the natives so ordered to remove, and by the officers so ordered to remove them, would be to know where they were to go.

Some of the reports of the Republican Commissions suggested their removal to farms in various parts of the country where labour was required. But those suggestions never commended themselves to the Government of the day, because it meant the taking away of freedom and the establishment of a form of slavery. It offered a solution, but it was impossible. If they were forcibly ejected from their holdings without an alternative place to go to, the result would then have been, as it would undoubtedly be to-day, that, although some might be induced to go to high veldt farms and settle there, the greater number would emigrate across the Borders, and be lost to this Colony. This emigration is possible on nearly all sides: that is to say, to Bechuanaland Protectorate, to Rhodesia, to Portuguese territory, to Swaziland, and to the recently acquired territories attached to Zululand.

Although the people in these private and Crown land locations are supposed to be non-workers, it is a fact that they contribute a considerable amount of labour. It is true that, to a large extent, their crops support them in good seasons; but a certain number of them are obliged to work, and the fact of their now having to pay a rent will increase that number. Meanwhile, they are a certain source of labour supply to the various industries in the Colony, and it is better to have them as such than to lose them. Moreover, they produce a considerable amount of cereals, especially mealies, used for consumption in this country.

During all the years of its administration, and throughout its attempts to cope with the question, from 1881 to 1889, there is no evidence to show that the Volksraad Resolutions and Commissions of the late Transvaal Government on the Squatters' Law led to any practical results.

We should, therefore, not fear to hesitate in attempting anything that will not ensure success and will not avoid disaster.

This is not the place to deal with the question of native land tenure generally, except in so far as it relates to squatting.

The major question affecting native land settlement is engaging the critical attention of the Inter-Colonial Native Affairs Commission now in being, whose report may usefully be awaited.

In respect of squatting, I consider the policy should be on Crown lands to restrict and limit the amount of land which should be available to squatters for cultivation.

Then, of course, if limitations were to be made on Crown lands, it would tend to popularise occupation of private farms.

To obviate this, it would seem desirable to impose licenses, as provided for in the Cape Act No. 30 of 1899; that is to say, that the owners of such land should be liable to Government in the sum of 20s. for every male adult not in *bona fide* continuous employ. But this could only be done by legislation, and as it is a question which so vitally affects the farming and agricultural interests of the country, it would seem desirable to delay such legislation until some form of representative Government prevails.

The existing Transvaal Squatters' Law is no doubt sound in principle, and were the whole territory healthy and were it all under beneficial occupation, it might, and, indeed, it ought to be rigidly enforced. But it is not so, and in my opinion the law cannot be enforced without danger to the interests of the country and without loss of revenue.



There are, however, I believe, parts of the country in which it may rightly and usefully be enforced, and that is in those healthy parts where on some farms there are many natives and on other farms there are none. And by this means a redistribution of labour may be usefully brought about.

The districts to be excepted in whole or in part at discretion, according to local circumstances, are, in my opinion, those of Zoutpansberg, Waterberg, Lydenburg and Barberton, where there is a heavy squatting on low veldt, and where the climate is too unhealthy for successful European settlement.

If so be that the Government concurs in this view, its concurrence should take the form of a resolution authorising the Resident Magistrates, Native Commissioners, and other officials concerned to give public notice to both European and native :—

1. That the law is to be enforced in certain areas to be defined from time to time.
2. As to the date upon which the enforcement shall take effect, which should be subsequent to the month of June, so that crops could be reaped and an interval for redistribution allowed prior to the time for sowing new crops.
3. That all land owners should register the number of natives on their property.
4. That any such land owners requiring more than the five families allowed by law should apply within a certain date for exemption, stating the reasons for such exemption, which would only be granted upon satisfactory evidence that a greater number were actually required for farming or other development.
5. That special industries and developments would receive special consideration, and that where *bona fide* productive works were being carried on to the advantage of the country in the matter of output of agricultural produce, there would be no disturbance if satisfactory proof were forthcoming of the facts.
6. That the settlement of all natives required to remove in pursuance of the law would be facilitated by every means, so that they might voluntarily seek new settlement where they pleased.
7. That agreements between master and servant should be registered.

I consider that this is as far as it will be useful and practicable to go at the present time, and, if approved, a few Location Inspectors must be specially employed, as it means specific duty and continuous movement.

If this were acted upon thoroughly and systematically, it will take time to carry out; and at the same time, in preparation for future action and legislation, it would appear essential that :—

1. The Surveyor-General should furnish for every district a map of Crown lands.
2. That the Lands Department should furnish complete nominal lists of the native occupiers of Crown lands in the districts of Zoutpansberg, Waterberg, Lydenburg and Barberton.
3. That private owners of land in districts not proclaimed, where there are more families than allowed by law, should be called upon to furnish nominal lists in respect to each farm, with particulars as to the rents they are charging, and should be informed that henceforth no further settlement on their properties will be allowed without the consent of Government, under pain of the penalties that may be imposed under the Squatters' Law.

This would tend to check the migration to them of natives who object to the rent for occupation of Crown farms.

February 22nd, 1904.

G. Y. LAGDEN,  
*Commissioner for Native Affairs.*

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*Annexure "B."*

# MEMORANDUM ON THE HEALTH AND GENERAL CONDITION OF NATIVE LABOURERS ON THE MINES.

In March, 1902, the Native Affairs Department assumed control over the natives employed on the Mines, and inspectors were sent out to the various districts of the Witwatersrand to carry out the system which was organised and laid down for adoption.

In the report of the Chief Inspector, Native Affairs Department, dated 27th February, 1903 (see Commissioner for Native Affairs' Report, Appendix 11, Transvaal Administration Report of 1902), the procedure adopted in the inspection of a Mine as regards its native employés was outlined as follows :—

- "To examine and check registers and passports of natives employed, ascertain the number of natives suffering from sickness and to note the various diseases prevailing. To adjudicate any cases, whether offences or disputes, and transact any business requiring attention. To visit the compound hospitals and kitchens, and generally enquire into all matters affecting native employés."

It will thus be seen that from the commencement of the work of inspection, the field of duty was made as wide as possible, the desire being that Inspectors should rather make it their business to interest themselves in all matters affecting the health and general welfare of natives on the Mines, than that any limitations should be placed upon the scope of their duties.



The work, at first slow—owing to the conditions prevailing in the early months of 1902—has been performed satisfactorily and unremittingly by the Native Affairs Department, and through its endeavours improvements have been brought about steadily with the result that to-day natives on the Mines labour under conditions in direct contrast to those hitherto prevailing, as regards accommodation, diet, sanitation or hospital arrangements.

The points given prominence to in the telegraphic despatch of the Secretary of State, No. 1 of 25th March, 1904, cover so much ground that it has been deemed necessary to deal with them as far as possible *in extenso*. A schedule detailing the action taken in complaints received from natives on the Mines and outlining the various improvements effected in their general living conditions, since the assumption of duty by the Native Affairs Department is, therefore, submitted. In traversing it, it should be borne in mind that improvements only are shown and that where no reference is made to a Mine, the conditions are, under the circumstances, either satisfactory or are receiving attention.

In considering the state of things existing at the inception of the work of inspection, and the improved conditions prevailing at the present time, reference should be made to the report of the Chief Inspector, Native Affairs Department, for 1902, which has previously been referred to, and to that of the Acting Chief Inspector for 1903. The reports in question deal generally with the subject under review.

#### *Native Compounds.*

Much improvement has been effected in the general condition of native compounds. This matter was at once recognised as one of particular importance, and from the outset has occupied the earnest attention of the Inspectors of the Native Affairs Department, who have never relaxed their efforts to bring them up to a proper standard of sanitation and general efficiency. Many of them, more especially those of recent construction, are conducted on entirely model lines; while, though some are undoubtedly not up to the standard, there is an evident desire to improve them as soon as circumstances permit. The prevailing financial depression and shortage of labour have been retarding factors, and are mainly responsible for the failure of some companies to join in the progressive movement in this connection. At the same time, there can be no doubt that the necessity of having adequate and proper accommodation for the natives employed by them is realised by the Mining Industry as a whole.

Among the chief improvements which have already been carried out or are contemplated in many of the native compounds, are:—

##### 1.—*Moveable Bunks in Rooms.*

This innovation is conducive to cleanliness and has been entirely successful. By its adoption access may be had to all parts of a compound room, which permits of it being thoroughly cleansed and disinfected periodically; the bunks being scrubbed and dried in the open air.

##### 2.—*Stoves in Compound Rooms.*

Open stoves, as a rule placed by natives in the middle of a room and round which they throng, have been found to be injurious to health, owing to the fumes having no proper means of escape and being inhaled by the natives. The new type of stoves which are provided with iron flues, will, it is hoped, tend to reduce the predisposition to respiratory diseases, from which the native labourers on Mines have suffered in the past.

##### 3.—*Impervious Floors in Compound Rooms.*

The old style of mud floors, which were almost universally used in compound rooms, are being done away with, as far as is practicable. They are dirty and difficult to clean, while the fact that they form ready receptacles for infected sputum and are, therefore, conducive to the spread of infectious diseases, is now fully realised. Asphalt or other impervious floors are now being laid down, and their general adoption is only a matter of time.

##### 4.—*Change Houses and Shelters.*

In some instances these buildings have been erected at shaft heads, as shelters for natives on coming from underground work to the surface. Such provision is eminently desirable, owing to the innate carelessness of natives in guarding against chill and exposure. Hot coffee or other non-alcoholic stimulant is now issued to them, and blankets or coats are provided as wraps for the use of natives while passing from the shaft head to the compound.

##### 5.—*Sanitation.*

The original sanitary arrangements on the Mines were of a primitive description. A considerable advance has been made in this connection, as will be seen by that portion of the schedule submitted, which deals with this subject. Radical reforms have been effected with regard to the natives' latrines and urinals, which, in many cases, were so badly attended to as to be positively injurious to their health. Various methods to ensure their sanitation are now adopted with success.

The drainage of compounds is now generally good, while baths, through which there is a steady flow of clean water, are now almost universally used. In some cases hot water shower baths have been erected, and are much appreciated.



6.—*Diet.*

This subject is dealt with in the following extract from the accompanying report of the Acting Chief Inspector for 1903 :—

“Perhaps few of the conditions of compound life have undergone so marked a change for the better as the food. Steam cooking is gradually becoming universal, its popularity being partly due to its cleanliness, but chiefly owing to its economic advantage over the old system. Some difficulty was at one time experienced in testing the nutritive value of foodstuffs supplied, particularly mealies, as expert knowledge was essential. This has now been overcome through the co-operation of the Medical Adviser to the Department. Samples of foodstuffs are now properly analysed if there is any suspicion, and if found defective the necessary action is taken. The controlled issue of Kaffir beer, usually part of the dietary of natives, became legalised under Ordinance 32, Administration, 1902, as from the 15th November, 1902. A number of compounds at once took out licenses, but there was a disposition to hang back, pending the experimental issue at certain Mines. These experiments justified the issue, which it was found easy to control, and this wholesome fluid is now an important factor in the labourer's diet. It is now regarded as conducive to better health and contentment and its issue is now almost universal.”

The scale of food to-day is most generous, and the various Mining Companies make every effort to ensure it being of the best quality. Some isolated instances of defective foodstuffs have been exposed through the agency of Inspectors, in conjunction with the Medical Adviser of the Native Affairs Department, and the deficiencies have been remedied. Generally speaking, the Mines have responded cordially to the demands made upon them to exercise particular control as to the quality of foodstuffs issued to their native employés.

7.—*Hospitals.*

The hospital accommodation and general treatment of and attention paid to native patients on the Mines, is in most cases satisfactory, while in a few cases where improvement in this connection is still necessary, the matter is receiving attention. Several excellent hospitals, conducted on modern lines, have been erected and are under the control of a qualified attendant. The medical attendance is efficient, and a general movement has to be recorded towards placing the treatment of natives in hospitals on a proper footing.

*Complaints as to Wages.*

Comparatively few complaints have been made by natives on the Mines as to wages. It is fully realised by native labourers that appeal against either unfair deductions from wages or wages at a lower rate than promised on engagement may be made to Inspectors or to the District Pass Office Authorities.

The treatment of the natives on the Mines in those respects is good, and little difficulty has been experienced in setting right their grievances. Such grievances are, almost invariably, due to misunderstandings, especially on the part of natives recruited at a fixed rate of wage per month, who are paid only for each day on which they have actually worked. This system, which was adopted to safeguard the Mining Industry against habitual loafing and the incapacitation of native labourers through drink—evils which, under the present Administration, have been practically stamped out—can scarcely be considered to constitute a general grievance, as the ticket system of thirty working days a month, in vogue on the Mines, is generally understood by the natives coming from Territories from which the labour supply has, in the past, been drawn.

In view of the fact that since the extension of the recruiting areas a large number of natives now come to the Mines who are ignorant of these conditions, and to avoid the possibility of further misconception, a system has been introduced of registering natives at a daily rate of pay. The system has been adopted by the Witwatersrand Native Labour Association, and every effort is being made by that Association, through its recruiting agents, to clearly explain the terms of contract to all natives recruited by them. It is, therefore, hoped that no further difficulties will arise on this point.

*Complaints as to Non-fulfilment of Promises made on Engagement.*

Misrepresentations on the part of unscrupulous Labour Agents as to terms of agreement have been brought to notice by natives on their arrival on the Mines. They are, however, infrequent. In such instances, where sufficient evidence was forthcoming the licenses of agents have been cancelled. That such misrepresentations should be made is the natural outcome of paying agents on commission or by results which, however, is the only business proposition possible. Unscrupulous agents profit by the credulity of the native, with a view to gaining the capitulation allowance. This feature is one which it is impossible to altogether remedy owing to the frailty of human nature. The greatest discrimination is used in the issue of Labour Agents' licenses, and the Regulations under Proclamation 38 of 1901, as amended by Government Notice 1,195 of 1903, are so stringent that few individuals have the temerity to transgress.

Apart from the Regulation for Labour Agents, Section 22 of the Pass Regulations, for Labour Districts, reads as follows :—

“Every native accompanied by a licensed Labour Agent shall, before being granted a passport, be questioned by the official as to the terms of his agreement of service, and whether such service is voluntary on his part. In the event of it being found that there was coercion




“or misrepresentation on the part of the Labour Agent in obtaining the service of such native, or that the agreement of service is in other respects void, such native may be sent back to his home at the expense of the Labour Agent or his employer.”

The terms of this Section have in few instances been extended, and natives have, at their own request, been discharged from their liability to the agent concerned, and given permits to seek work locally.

#### *Assaults by European and Native Overseers.*

The question of assaults committed by European and native overseers on native labourers is one which has much occupied the attention of this Department, and special instructions have been issued to Inspectors on the subject. For years under the late Government the system was in vogue of inflicting summary and corporal chastisement, where punishment was conceivably due. This principle, in a modified form, was accepted by almost all Compound Overseers; in fact, by almost all persons who came in contact with natives. This being so, the new order of things was distasteful, and great difficulty has been experienced in securing conformity to legal procedure. This has now been secured as regards those responsible, but cases of assault still occur, where ignorant miners strike natives, probably for no other reason than that the natives are unable to understand orders given to them in the most elementary form of “kitchen Kaffir.” When such cases have been brought to the notice of officials, steps have been taken, which, in almost all cases, have resulted in the conviction of the offenders. Much has also been done by inculcating into the minds of Compound Overseers that they and they only are the persons at whose instance justice should be meted out to native delinquents by those in authority.

As regards assaults committed by Native Overseers, such assaults in a generality of cases are committed as the outcome of an assertion of authority, and it is difficult to determine which was the assailant, the native coming worse out of the encounter being usually the complainant.

 In all cases where native overseers have been proved to have assaulted native labourers they have been punished, and, although individual instances will occur, the prevailing conditions on this score may be regarded as satisfactory.

#### *Vigilance.*

The utmost vigilance has been and is exercised by the Native Affairs Department, and every effort is made to safeguard the interests of native labourers, and to promote their welfare from the time of engagement until their return home.

During their term of service on the Mines, officials are—as will be seen from the fact that 9,345 inspections of Mines have been made by Inspectors of the Native Affairs Department up to 29th February, 1904—in constant contact with them, while communication with the Mining Industry as to suggested improvements in the general conditions of their natives is of almost daily occurrence.

A striking testimony to the favourable terms and general hygienic conditions, under which natives are at present employed on the Mines, is to be found in the contrast in health, physical fitness, and general appearance between natives arriving and those returning to their homes.

Many come to work in a more or less emaciated condition, but few leave who are not in robust health, and have both reaped the benefits of regular work, better food, and better living conditions than they are accustomed to in their own homes.

(Signed) S. M. PRITCHARD,  
Pass Commissioner.

Native Affairs Department,  
Johannesburg, 1st April, 1904.

#### *Annexure “C.”*

### REPORT PRESENTED TO HIS EXCELLENCY THE GOVERNOR-GENERAL OF MOZAMBIQUE BY THE PORTUGUESE CURATOR OF NATIVES IN JOHANNESBURG.

TO HIS EXCELLENCY THE GOVERNOR-GENERAL.

I have the honour to hand over to Your Excellency this report, in which are condensed my impressions resulting from a visit of inspection I paid lately to the principal mines along the reef, in the mining districts of Johannesburg, Germiston, Boksburg, and Krugersdorp.

As I had the honour to state in the report I sent Your Excellency in the beginning of the current year, it is a matter of the utmost importance that I should constantly visit the mines, which I have done since I have taken up my present position, and have continued doing so, consistently with my duties, which continuously demand my presence at the office.

The criticisms made in the Parliaments, both in London and Lisbon, however, regarding the treatment of natives in the Transvaal, together with the Press comments, including the Lourenço Marques newspapers, could not pass without me taking steps to give an official denial to the comments that have been made.

To the too-much-used common-places of “slavery in the Rand,” “over-work,” “insufficient food,” and similar weapons of which the Oppositions get hold for political purposes, whose methods I think better not to discuss, I always knew what value to give; however, as amongst us, the newspapers mould public opinion, I thought it my duty to undertake a visit of general inspection to the mines and personal investigation amongst the natives, so that I could report to Your Excellency as fully as possible.



Previous to entering into details, I have the honour to inform Your Excellency that at the mines I visited I received every facility and courtesy, both from the mine managers and compound managers. To Mr. W. P. Steeds, Secretary of the Witwatersrand Native Labour Association, I owe my indebtedness for the cordial support he has given me in this matter.

*Quarters.*—In all the mines I visited new compounds are being erected or the old ones re-built, under a general plan, which I attach to this report, so that Your Excellency may have a more complete idea of the improvements that are being effected.

The floor is paved with asphalt or cement, and where hot-water pipes are not available, coal stoves are used for heating the rooms; electric light is used throughout, the ventilation is complete, perhaps excessive in winter, each room having, as a rule, accommodation for 30 natives.

The steps taken to guarantee the ventilation in the compound is adaptable to the hot weather; being, however, excessive in winter. In conversation with some of the mine managers, I raised this point, and suggested that windows should be made, to open in the day time and close at night, in order to keep a comfortable heat, combined with hygienic effects. This suggestion was well received, and I am pleased to state that shortly alterations to this effect will be carried out.

*Hospitals.*—Each mine has an hospital where the sick natives are lodged, receiving daily a medical visit. In some of the larger mines, namely, Simmer & Jack and City & Suburban, they are, to my mind, perfect in every detail. They have large tanks where clothing and linen are boiled and disinfected, beds with spring mattresses, electric light, hot water pipes, bath-rooms, with cold and hot water, nurses in constant attendance; in fact, every comfort and care.

In the less important mines, in some cases, the hospitals require alterations, especially as regards excessive ventilation and insufficient heat; I was informed that these alterations would be carried out shortly. The best solution, in my opinion, would be the creation of hospitals in certain defined areas, to which the mines within would contribute towards the upkeep, paying so much per native sent in. In this way a permanent nursing and medical staff could be kept, which many of the smaller mines cannot afford.

*Food.*—The food supplied to the natives is undoubtedly first class, being varied, and the cooking is well done. The kitchen and cooking utensils are kept scrupulously clean, and the food is, as a rule, so well seasoned that I felt real appetite in some mines, entering the kitchen.

The rations supplied are mealie meal porridge twice daily, vegetable soup, with beans, potatoes, pumpkins, cabbages, etc., and twice a week meat is issued, from 1 lb. to 2 lbs. per boy; Mohamedan natives from Mozambique, Quelimane, and a few from Inhambane receive rice daily, and fish instead of meat. Several mines are experimenting the dried and salted fish from Mossamedes with good results, the natives liking it very much, and it is the intention of some compound managers to give them this fish once a week, and meat once a week. In the majority of the mines, there is a daily distribution of Kaffir beer, more especially in the summer, and in the others the distribution takes place once or twice a week. From personal observation I can safely assert that the native labourer on the mines gets better food and lodging than they would in their own kraal.

*Treatment.*—Notwithstanding the system by which the Witwatersrand Native Labour Association allots the natives on their arrival to the different mines, more or less as they like, compound managers invariably try to get the old boys who were previously working under their direction. As a rule the natives are so well treated that their desire is to return to the mines in which they worked before. This is to the benefit of the mine, as the boy has already undergone his period of apprenticeship, and months are thus saved in which a newcomer would have to be taught. I must say, however, that if a native arrives and expresses the wish of going to a certain mine, the Witwatersrand Native Labour Association always accedes to his request.

The result of this is, therefore, that none of the natives interviewed on my recent visit complained to me of ill-treatment or of being punished with sjambocks, as the newspapers asserted, touching the sentimental chord of their readers.

The only complaint I received—and this occurred in nearly all the mines—was in respect of the counting of the time of the contract. Your Excellency is well aware that the native counts the months by the moons, which causes a difference with the time-books kept in the compound. Under Proclamation 37 of 1901, a working year is set down at 313 working days; should the native, during the period of his contract, become sick, the time he is absent from work has to be made up on expiration of his contract, with the result that, other natives returning home, having come up with him, he cannot understand why he should be left behind. I have repeatedly explained this to the natives, without any apparent satisfactory results.

With this sole exception, the natives had no other cause of complaint, a fact so much extraordinary since it is known that they always have something to complain of.

*Mortality.*—The steps initiated by the Chamber of Mines, of which Your Excellency is aware, have tended to considerably decrease the list of mortality, and I am convinced that better results will be attained in the near future. The rate of mortality for the past two years has averaged from 2 to 7 per cent., the latter limit being only reached during the winter months. It is with pleasure that I have to record that during the month of April last, which is generally a severe one, the rate of mortality was only 2·2 per cent. I feel confident that the rate of mortality this year will compare most favourably with previous years, unless unforeseen accidents occur, similar to that which took place in the Robinson Deep, in March last, resulting in the death of 17 Portuguese natives.

There is no doubt that on expiration of his contract, the native returns home much stronger and in better health, so that when all or the majority of natives from the Province have laboured for some time on the Transvaal mines, there is no doubt that the rate of mortality will be considerably decreased.