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# ANNUAL REPORT

BY THE

Commissioner for Native Affairs,

FOR THE

YEAR ENDED 30th JUNE, 1903.

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PRETORIA :

PRINTED AT THE GOVERNMENT PRINTING AND STATIONERY OFFICE.



# REPORT

BY THE

## COMMISSIONER FOR NATIVE AFFAIRS, TRANSVAAL.

FOR THE YEAR ENDED 30TH JUNE, 1903.

It was decided in 1902 that Annual Departmental Reports should be made for the calendar and not for the financial year ending 30th June. Reports were thereupon made and published for the period ended 31st December, 1902. It has since been determined to compile these reports for the financial year, and, in order to bring the series into line, reports and returns are now furnished for the year ended 30th June, 1903—six months of which have already been dealt with in my Report for the calendar year above mentioned.

This Report so far as administrative matters are concerned must therefore be regarded as for a broken period, viz.:—for the six months ended 30th June last. The returns and statistics will however cover the whole period.

My previous report which was dated March 3rd, 1903, and the enclosures, traversed a period during the first half of which war was still prevailing and the conditions of the country much disordered. The natives were then scattered and somewhat bewildered. They had realised the magnitude of the struggle between the two white races and were aware of the issue of it. That issue however, was not one which they had altogether expected because in some cases they had imagined and had been misguided enough to believe that the result of the war would be to deprive the Boers of their land and to appropriate it for the benefit of the native races. Though that idea has been almost entirely removed from their minds by myself in interviews and by all the officers of this Department who are brought into touch with the natives, traces of it still remain and will take time to efface for the reason that during the war irresponsible persons gave promises and pledges for which there was no warrant and no chance of fulfilment. Thus it was that wrong impressions were created as regards land grants and the rights to looted property which have had to be clearly and definitely eradicated.

It is but natural therefore that many of the natives in consequence of their disappointment regard the Government with a certain amount of disfavour which has found expression in various ways. Their disillusionment has contributed towards better relations between them and their late masters although I regret to say that those relations are not so satisfactory as they might be with advantage to all concerned. This however is not peculiar to the Transvaal. It is and has been since the war common to the whole of South Africa and there are certain causes to account for it. In the first place the whole native population felt when the course of the war was clearly seen that, although they were not allowed to partake in that war, they were a material factor in the progress of it, i.e., they regarded themselves, not without reason, as essential to the contending forces in the field, both of whom required native experts for, amongst other things the important work of transport, herding and scouting.

For these services, which they well and loyally fulfilled to whichever side they were attached, they received high wages and, though losing a good deal of their live stock, enjoyed the benefits which always fall to neutrals.

The war thus left South Africa with a heavy legacy in the shape of high wages which every common unskilled native labourer had learned to regard as normal, and further there was engendered a spirit of independence and apparent aggressiveness which was a new and regrettable feature in relations between black and white.

Under ordinary circumstances this undesirable spirit would have disappeared or have been counteracted had not other conditions arisen tending rather to stimulate it. The declaration of peace was followed by a demand for labour largely in excess of anything that prevailed before the war. There was feverish haste in all parts of South Africa to be first in the field to compete for and gain this labour and the persons employed to compete for it were Europeans.

To my mind this great demand for labour and the methods necessarily employed to solicit it tended to aggravate the independent attitude of the Natives which is plainly visible to-day.

It has been stated at intervals that the demand for labour was abnormal and the supply would at an early date be forthcoming. This has not proved to be the case nor is there any prospect in view of the demand decreasing, indeed there is every indication of the demand increasing.



So long therefore as the question of supply and demand of labour remains as it now is, we must expect the individual to temper his independence according to the extent to which his services are requisitioned and held to be indispensable.

If in consequence of an inflated rate of wages the Natives are in a position during a great part of their time to stand aloof whilst the white people are working hard and the country is suffering from want of labour the gulf between the two races is liable to become widened and one of the great bonds of sympathy between them destroyed. Further, the effect may probably be to arrest the natural progress of the Natives.

Though proposing to deal with the labour question under a separate heading of this report I have introduced these remarks here because it is a matter of paramount importance in South Africa and affects the vital relations between white and black. Those relations to be healthy will be best co-ordinated if the two races share a feeling of useful dependence upon each other in promoting the development of this country, if the higher race recognises its obligations to the lower, and the lower race realises its true position and, whilst claiming and receiving the fullest measure of justice, owns towards the higher race a becoming respect.

## 2. NATIVE COMMISSIONERS.

Following the procedure adopted in previous Reports I shall now allude to the duties and work accomplished by the Native Commissioners who are the backbone of the administration of affairs affecting the native population of this Colony.

These officers who were men of experience took office immediately after the declaration of peace and have borne a most important part in reducing the country, so far as the Natives are concerned from the chaos and disorder into which it had fallen. The Natives were scattered, confused and disquieted. They had during the war occasionally engaged in sanguinary struggles between themselves; they had lost all touch with the Government and were practically out of control, they were armed; they were insolent and menacing to the Boer farmers; they had never been subjected to a proper system of taxation.

The Native Commissioners having under them a few Sub-Commissioners lost no time in taking the necessary action to restore order and acquaint the people with the exact state of affairs. They discharged their duties well. The result of their action may be best seen in the illustration that when the time came to bring about disarmament and carry out a proper system of taxation the Natives clearly understood the position and responded cheerfully and obediently to the orders they received.

These Native Commissioners had to face during their first year a very abnormal amount of work. Disarmament and Taxation alone were heavy tasks.

In addition to that they had to deal with:—

The treatment of all the District Affairs arrear and current relating to Natives who yearn for and have a right to claim Courts to which they can go for settlement of their cases. Without such courts presided over by trained and sympathetic officers disturbing influences will always be at work.

The administration of justice between native and native;

repatriation;

re-settlement of Natives upon farms;

thousands of compensation claims;

gathering information about land and tribal questions of which but few records were obtainable;

the estimation of the population and its distribution;

collection of returns for labour and all other statistics; and a variety of matters relating to masters and servants, passes, labour, health, scarcity of food and so forth, too many in detail to quote.

It must be borne in mind that the whole fabric had been pulled down and required re-building I doubt if any small body of public officers called upon to discharge such onerous duties in a short time could as a whole have performed them more satisfactorily than those whose work is now under review.

At this point I must digress for a moment to note the assistance which these officers had as compared with that afforded to officers holding similar positions under the late Republic.

Our strength during the period under review was 5 Native Commissioners and 20 Sub-Commissioners.

The late Government had 8 Native Commissioners, 12 Sub-Commissioners and over 100 Field Cornets who were appointed as Sub-Commissioners all over the country, who in turn were empowered to extend to Assistant Field Cornets the same jurisdiction.

These Field Cornets and their assistants have not been available to us and the entire work which was formerly done by over 150 officials has been borne by 25.

The Native Commissioners are entrusted with combined administrative and judicial functions, the general scope of which may broadly be outlined as follows:—

### A.—ADMINISTRATIVE.

1.—To acquaint themselves with the history and traditions of the Natives.

2.—To study all questions affecting their customs, political concerns, and general welfare.



- 3.—To act as the channel of communication with the Government and as the District representative of the Commissioner for Native Affairs to whom they are directly responsible.
- 4.—To carry out instructions issued by the Commissioner for Native Affairs, and be responsible for the promulgation and due observance of laws, proclamations, and regulations particularly affecting the Natives.
- 5.—To maintain law and order amongst the Natives.
- 6.—To keep in close touch with and report current native feeling and opinion.
- 7.—To promote and establish confidence in and proper relations with the Government.
- 8.—To encourage and direct the Native's progress towards civilization by inculcating habits of industry, etc
- 9.—To establish if possible and maintain satisfactory and contented relations between the white and black races.
- 10.—To deal with land and occupation questions.
- 11.—To further every interest in connection with the demand and supply of labour.
- 12.—To supervise and control the collection of taxes.
- 13.—To be in constant communication with the Chiefs, and advise them in the conduct of tribal affairs.

## SUB-NATIVE COMMISSIONERS.

The 20 Sub-Native Commissioners appointed under the present Administration were distributed according to the incidence of the Native population that is to say for example—in the Zoutpansberg where the Native population was over 200,000 spread over an area of 25,000 square miles 5 Sub-Commissioners were stationed and, in certain districts where there are no locations, there were none.

Their duties are extensive and embrace *inter alia* the following :—

- 1.—To assist Native Commissioners and carry out the orders of Government in sub-districts.
- 2.—To solemnise marriages between coloured persons.
- 3.—To collect taxes.
- 4.—To issue passes and to carry out the Pass Regulations.
- 5.—To explain the Laws and Orders of Government.
- 6.—To keep in touch with the Natives, watch their movements and attitude and report political matters.
- 7.—To facilitate and to attest agreements between farmers and their tenants or servants, and to settle complaints or disputes between them.
- 8.—To assist and co-operate with Magistrates.
- 9.—To supervise the Conduct of Government and other Locations.
- 10.—To protect and advise Natives appealing to Government, and
- 11.—Generally to act as mediums between Government and the Native population in matters of law, order and justice.

## B.—JUDICIAL.

The judicial powers conferred by existing law upon Native Commissioners and Sub-Commissioners are as follows :—

## CIVIL JURISDICTION.

Under Section 4 of Law 4, 1885, power is conferred upon Native Commissioners and Sub-Commissioners to enquire into and decide all civil disputes between native and native as well as civil matters referred to them by white persons against any Natives of a large savage tribe.

These powers are affirmed by Ordinance No. 3 of 1902, Section 3 of which provides for their appointment as ex-officio Resident Justices of the Peace for the District beyond a radius of 20 miles from any Magistrates' Court in their District.

By Section 9 of Law 7, 1894, jurisdiction is vested in them as Resident Justices of the Peace in all civil cases in which the amount of the claim does not exceed . . . . in liquid cases £100 in illiquid cases £35.

A Court of a Native Commissioner is an Inferior Court within the meaning of Section 19 of the Administration of Justice Proclamation, 1902, and their judicial decisions are therefore subject to review by the Supreme Court on the grounds stated in that Section.

## CRIMINAL JURISDICTION.

It is laid down by Law No. 4 of 1885 that in all minor crimes or offences, such as minor assaults, petty thefts, etc., committed by Natives within their respective Districts, Native Commissioners have the right to punish any Native offender by fine up to £10 or imprisonment with or without hard labour and with or without spare diet for a period not exceeding three months or lashes up to 25 in number.



By Ordinance 44 of 1902, contraventions of the Pass Laws Regulations made thereunder are also triable by Native Commissioners, the punishment being fixed by those Regulations.

By first Volksraad Resolution Articles 1488 and 1489 of 1894 Sub-Native Commissioners may punish for the same crimes by fine not exceeding £5 or by lashes not exceeding 15 in number.

These powers are affirmed by Ordinance No. 3 of 1902 which provides, however, that no sentence of lashes may be imposed, except in the case of a second or subsequent conviction for some crime or offence within the space of three years, and no lashes may be inflicted until the sentence has been confirmed by a Judge of the Supreme Court.

Being appointed ex-officio Resident Justices of the Peace by Ordinance No. 3 of 1902, Native Commissioners exercise the criminal jurisdiction conferred by Section 10 Law 7 of 1894, as limited by Ordinance 15 of 1902, in all offences committed outside a radius of 20 miles from any Magistrate's Court in their District which are punishable by a penalty not exceeding a fine of £25 or imprisonment for one month.

Section 11 of the Law 7 of 1894 especially empowers Resident Justices of the Peace to deal with all such offences as are mentioned in the Master and Servants Act, and the Customs Law, in addition to a number of laws referred to in the Schedule and Section 12 confers special jurisdiction in all minor offences against the person and property but the punishment they can inflict must not exceed the limits set out in the last preceding paragraph.

They also have power to impose various penalties for contraventions of the Game Preservation Ordinance No. 29 of 1902 not exceeding a fine of £20 or one month's imprisonment in default of payment of the said fines.

Under Section 2, Law 7 of 1894 they are empowered to arrest offenders, issue warrants, etc.

Annexures A, B, C, D, E, and F. I submit separate reports by each of the Native Commissioners upon the administration and general position of affairs in their respective Divisions during the period under review.

### 3. NATIVE POLICE.

The Native Commissioners have had to be assisted by Native messengers who are employed as channels of communication between the Officials and the Natives.

This class of Native official is of the greatest value to the Department and to the Government. But for them, I feel sure that the close touch that ought to be maintained between the Natives and the Government would be entirely lost.

Their duties are, amongst other things :—to act as the eyes and ears of Government and gather information regarding the Natives which it is essential for Government to know ; to visit all kraals, examine tax receipts and trace defaulters who do not hold receipts on paper of the right description, each year having a different colour ; to co-operate with the South African Constabulary in the execution of police duty ; execute warrants, serve subpoenas, escort prisoners, and carry despatches ; to detect contraventions of the Game Law and aid in the preservation of game ; to ascertain if guns are acquired or concealed ; to circulate to the native people orders and instructions.

I have no doubt that any attempt to impair their usefulness by hasty retrenchment will be found to be an unfortunate mistake.

During the discussion of the Estimates in the Legislative Council exception was taken to the employment of so many as were provided for. I pointed out then, as I wish again to point out now, that the European police are recruited chiefly from men who are perfect strangers to the country and useless for matters connected with Native affairs. Moreover, there were districts in the north-east and west where fever and horse sickness were rampant, and where the expense of maintaining European police was extraordinary compared with that of Natives who were engaged at low rates, viz. : £3 a month, and placed under the officers of this Department accustomed to deal with them and capable of managing them to the best advantage in the maintenance of law and order.

A large work requires to be carried on through the medium of these Natives, and it will always be found necessary to employ them. It is true that their duties have been abnormal during the year and that more were required during the initial stages than may be wanted permanently.

Measures have already been taken to reduce them.

I cannot leave this subject without recalling attention to the fact that many of the wars and troubles in the history of South Africa have arisen from the use of inexperienced and unsympathetic persons in dealing with the Native population.

### 4. DISTRICT ADMINISTRATION.

The discussion upon the last Estimates opened out important points connected with provincial Administration and the necessity of amalgamation in various District Departments of the Government.

It is unquestionable that when the country suddenly emerged from a state of war to a state of peace, and during a subsequent period of transition there was unrest and confusion which required in the districts the undivided attention of experienced officials for the treatment of Native affairs.

In order to avoid as far as possible overlapping of jurisdiction between the Magistrates and Native Commissioners it was provided by Ordinance No. 3 of 1902 that no Native Commissioner should exercise jurisdiction within a radius of 20 miles of any Magistracy.



I have, however, always held the opinion that, whilst making provision for the exigencies of a critical period, the ultimate aim of the Government should be to incorporate, under certain conditions, all district affairs for administrative purposes in the hands of the Resident Magistrate. The great questions were the fitness of the moment to make the change and the fitness of the men to be placed in responsible charge.

The late Republican Government, in the fullness of experience, by its laws and regulations entrusted the direction of Native Affairs entirely to a superintendent who occupied a seat in the Councils and had under him Native Commissioners, Sub-Commissioners and Field-Cornets entirely responsible to him.

Such a system appealed to the late Government as being the one best adapted to the circumstances of this country, and it is a system which all the British Colonies of South Africa found necessary to adopt in earlier stages in some form or another. But in the older Colonies of the Cape and Natal time and experience have latterly revealed the necessity for change, and in both these Colonies the work is now merged in the Resident Magistrate.

It appears to me that the time is now near when in the interests of and for the purposes of the general Administration of this Colony re-organisation is desirable upon the lines adopted in the Cape and Natal.

Upon the question of policy, attention may be drawn at this point to the High Commissioner's Despatch of January, 1902, to the Secretary of State, to be found in Blue-book Cd. 904. In that Despatch the High Commissioner said :—

"It may be desirable briefly to state what are the intentions of this Administration with regard to this matter. In all districts where there is a large independent native population the control of native affairs will be in the hands of a Native Commissioner directly responsible to the Commissioner for Native Affairs, and the greatest care will be taken that these Commissioners, who will occupy an important position in the Government service and receive high salaries, are men of high character intimately acquainted with native laws and habits having the interest of Natives at heart and as far as possible familiar with their language. . . . .

"We shall require at least five such Commissioners, with younger men under them as assistants, who will be trained in their school. . . . . Without the right men I need hardly say that the best principles and the best laws are, in the matter of native administration, almost useless, and therefore I am entirely in accordance with Sir Godfrey Lagden in desiring to see the Native Commissioners most carefully selected. . . . .

"The man who can converse fluently with the natives in their own language has a great advantage, and every encouragement will be given to the acquisition of this aptitude. . . . .

"As regards the methods of Government to be adopted I am in general agreement with the principle that Native institutions should not be unnecessarily interfered with, that their existing system of communal tenure or tribal government and their traditional customs, as far as they are not in gross conflict with civilised ideas, should be respected; that they should not be compelled by force or induced by fraud to leave their own country for service with white men; and that their taxation should be in proportion to service rendered and benefits bestowed upon them by our Government. Finally, I think that much more should be done for the education of the Natives than has ever yet been attempted in the Transvaal. I do not mean that they should be educated like Europeans, for their requirements and capacities are very different, but they should be trained to develop their natural aptitude for their own good and that of the community."

In carrying out this policy or in carrying out any policy it is necessary to have proper instruments. The Native population is a large one and sensitive to violent changes. It requires management by men who understand it and are familiar with its ways and its thoughts. If it is governed in an unsympathetic way by unsympathetic persons trouble may certainly be expected, and the tendency may be to drive away from this Colony many who prefer seclusion to being worried by inexperienced persons. But this will be a calamity, as the country requires the Natives who are one of its most valuable assets. In the past we have enjoyed almost entire immunity from the dangers of combination. If the method of management is calculated to make the Natives discontented and desperate the chances of combination are enhanced.

It is necessary for them to have officers in whom they can confide, courts to which they can freely go, and, where there is a density of population, officers stationed amongst them qualified and empowered to deal with civil cases and minor criminal cases. The importance of conferring sufficient authority upon such officials cannot be overstated. If they are allowed to feel that officers placed over them by Government have no visible and effective powers they may easily and quickly get out of hand. The removal of the lash from the category of punishments has in itself weakened the disciplinary effect of the law.

In their uncivilised state the Natives are accustomed to and require firm restraint. The more licence they receive the less respect they will show for established authority.

If Resident Magistrates in those districts of the Transvaal where there are native populations are qualified by experience, as Magistrates similarly circumstanced in the Cape Colony and Natal are qualified to take over the management of Native Affairs in those districts, then I consider the amalgamation may be effected. But it is upon that condition and that condition only that I consider the amalgamation should take place, with the further understanding that in the event of vacancies or removals selection should proceed upon the same lines.



There are some districts of the Transvaal where the Native population being only situated on farms the change, if any, could take place at once. But wherever the Native population is extensive it should take place only by degrees when suitable men combining the qualifications required are available.

In the event of such amalgamation and the disappearance of the Native Commissioners it will be necessary for reasons already given to maintain an adequate number, not less than that now employed, of Sub-Commissioners to work under the Magistrates under instructions from the Native Affairs Department.

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. Both they and the Magistrates will require a good number of native police messengers. Without sufficient officers and natives subordinate to the Magistrates as above indicated it will, in my opinion, be impossible to properly control and keep in touch with the Native population, and if that is not done the peace and good order of the country is endangered.

Reorganisation upon the lines indicated will conduce to a saving of expenditure upon Native Commissioners and the establishments hitherto necessarily maintained by them.

But although I consider the present form of District Administration may be varied, it would, in my opinion, be a fatal error on the pure ground of economy to impoverish or sacrifice the work of Native Administration or to neglect that control by effective touch which is of paramount value.

### 5.—LAND.

Few questions of policy at the present time demand more careful and prominent consideration than the land settlement of the natives. It has been under my constant attention, and in order to ascertain its precise position I have caused a map to be prepared shewing the areas within which the Natives are now principally located throughout the Transvaal. A copy of this map is appended, of which a complete index has been compiled. It will be seen that the distribution of the population has been classified into four groups, viz:—

Government Locations.

Private Farms owned by Natives.

Undefined Locations on private farms.

Undefined Locations on Government farms or Crown Lands.

In illustration of the particulars appearing upon this map, the following documents are submitted:

Diagram shewing by Divisional comparison approximate areas principally occupied by Natives.

Diagram shewing estimated density in Square Miles of the whole Native population.

Table giving estimated number distribution and density of the Native population.

It is both interesting and instructive to observe the following facts from the particulars furnished by these documents:—

	Area in Square Miles of Transvaal Colony.	Estimated Native Population.	Density per Square Mile.
Government Locations .. ..	2,054	111,919	54.0
Farms owned by Natives .. ..	712	41,180	57.8
Undefined Locations—			
(a) Private Farms .. ..	3,932	134,880	34.3
(b) Government Farms or Crown Lands .. ..	1,175	81,820	69.
Remainder of Transvaal .. ..	103,323	235,867	2.2
Total .. ..	111,196	605,666	Average 5.4

The density of the population is governed by local physical conditions such as the available arable land, pasture land, unhealthy areas, water supply, and waste lands, and also by the relationship between landlord and tenant. The attitude of European landowners towards their tenants operates as a strong determining factor in the matter of Native settlement on farms.

It will be noticed from the returns that about one-third of the total native population occupies the Northern or Zoutpansberg Division which is composed of the Districts of Pietersburg, Spelonken, Haenertsburg, Shewasa and Blaauwberg.

A fourth of the Native inhabitants reside upon private farms owned by Europeans, nearly a fifth on established locations, over one-seventh on Crown lands, one-fourteenth on land held by Natives, and more than a third are scattered over the remainder of the Colony.

These figures are exclusive of native labourers imported into the country for industrial purposes.

Nearly all the land suitable for agriculture and available for native purposes has already been taken up and occupied. There is therefore very little soil in reserve for the expanding and surplus native population.

In order to equalise the distribution of labour the Government of the late South African Republic passed an Act in 1895 known as the Squatters' Law, limiting the number of families on any farm to five for each owner, tenant or lessee.



It was contemplated in carrying out this measure to induce those Natives in excess of the actual wants of a farm to move to other farms where an insufficiency of labour was felt. The Law was, however for various reasons, never put into operation. The question of enforcing the provisions of this Act has frequently been urged upon the notice of this Department but there are potential reasons why it has not been found practicable to do so. It is together with the whole land question engaging the attention of Government as a matter of policy, before consideration of which a mass of information requires to be collected and considered. I trust at an early date to bring out a report upon the subject. Meanwhile in view of the Inter-Colonial Commission constituted to investigate and offer recommendations affecting native conditions in the whole of South Africa it is not desirable to offer any pronounced opinion as it is a subject upon which that Commission is closely concerned.

It may however be stated here that the Native Commissioners of the Transvaal have been directed to call public attention to the Squatters Law, to warn natives and landowners where squatting is carried on in contravention to facilitate as far as possible useful distribution of labour by placing farmers in search of labour in communication with native families desirous of settlement on farms under registered agreement.

In early days the Natives enjoyed the almost unrestricted use of as much ground as they individually desired for agricultural and pastoral purposes but the time is undoubtedly approaching when changes must ensue in this respect.

Apart altogether from the congestion of population and absorption of the land the Natives have to learn improvements in the method of agriculture, the economic use of both land and water and, in advancing with the changing conditions of the time, to adapt themselves to small holdings and to the necessity of regular labour as a supplement to what small holdings produce.

The giving out of large holdings under communal tenure has practically ceased in the Transvaal and there is little probability of any revival of the old system.

As growers of agricultural produce the Natives have proved everywhere a valuable quantity in the land. The more they can produce for local consumption the fewer cereals it will be necessary to import and the better for the country. Moreover it has been found that kiln dried mealies introduced from America are harmful as conducive to scurvy whereas the home-grown article which is sun-dried contains health giving properties.

#### CONDITIONS OF OCCUPATION.

##### (a) PRIVATE FARMS.

Under the Squatters Law No. 21, 1895, every white owner of a farm may retain five native families on his property, and, subject to the consent of the owner, every European lessee, tenant, or "bijwoner" enjoys a similar right. The terms of occupation are simply a matter of arrangement between the owner or European occupier and the Native. Any agreement entered into is terminable upon three months' notice on either side. All Natives on private farms are thus liable to removal upon such notice being given.

Generally speaking the agreements provide for one or other of the following conditions :

- Free labour in lieu of rent,
- Wages if rent be levied,
- Participation in crops cultivated by Natives.

Under any of these alternative arrangements the Natives receive free water and grazing rights.

As before stated this Law was never applied by the late Government. There are private locations on the property of various land companies and large land holders. But such land is nearly all situated in unhealthy areas unfit for European settlement and if the Natives were summarily removed they would probably emigrate to some of the surrounding territories where opportunities are offered. Such emigration would be a great loss to this Colony. The late Government made the attempt and condemned it just before the outbreak of war without suggesting any alternative. Their reasons were unquestionably sound and exist to-day.

##### (b) CROWN LANDS.

Every adult male native in occupation of Crown farm lands is required to pay an annual rent of £1. Water and grazing rights are free. In all other respects they are subject to the provisions of the Squatters Law and are practically in the same position as tenants on private farms.

##### (c) LOCATIONS.

Location lands are ordinarily held by the Government in trust, and are specially set apart for the benefit of natives in communal tenure. Under tribal conditions it is a prerogative of the Chief to indicate the particular site which each member of the tribe shall occupy for his kraal, and the land which he may cultivate. Common rights are enjoyed throughout the Location in regard to water, wood, grazing. The people are under no other liability to the State than the payment of an annual tax.

##### (d) LANDS OWNED BY NATIVES.

These properties were almost entirely acquired under the late Government and are virtually in the same position, as regards occupation, as Crown Lands. The title to each property is vested in the Commissioner for Native Affairs in trust for the owner, who cannot therefore encumber or dispose of their interests without the consent of the Government.



## 6. LABOUR.

This question of such vital importance to the prosperity of the Mining industry and to the whole of South Africa has continually been the cause of serious concern to this Department. In order to obtain as much information as possible concerning the available supply in the Transvaal, statistics were compiled during the process of the general tax collection when the Native Commissioners had special opportunities and facilities for arriving at an approximate enumeration of the native population. As a result of these investigations a return was prepared by this Department a copy of which is attached.

Appendix No. 5.

This return was subsequently submitted to the Native Labour Commission in support of my evidence before it. Though the figures have only been arrived at by estimate they can be accepted as sufficiently approximate and correct to draw some useful deductions as to the actual amount of native labour available under normal conditions in this Colony. It may be remarked that out of an estimated total adult male population of 137,839, the number of able-bodied men available for service beyond the district of their residence in any one year, is calculated at 50,666, but as the general period of labour does not exceed six months only half that number would as a rule be absent at any one time.

At the end of June there were rather more than 21,000 of these actually working in the labour districts of the Witwatersrand, both on the Mines and in other service. Probably only 15,000 would represent the number actually employed on the Mines. If the labour demands of the Mining Industry are anything approaching what is stated it will readily be seen what a small contribution towards the supply can be expected from the Transvaal.

The following statements are appended shewing in detail:

The estimated population of the Transvaal including Labour Districts.  
Native Labour employed in industries other than Agriculture.  
Natives employed in Labour Districts.  
Territorial Analysis of Native employed in Labour Districts.  
Progressive increase of labour supply.  
Desertions.  
Labour Wastage.

All these documents were laid before the Native Labour Commission.

As the whole question of Native labour supply has engaged the critical attention of the Commission referred to, I shall offer no further remarks.

## 7. WAGES ON THE MINES.

A communication was received from the Witwatersrand Native Labour Association on the 16th January to the effect that it had been decided by the Chamber of Mines to revert as from the 1st of that month to the Schedule of native wages in operation in 1897, and to continue the system of piece work or task work on the basis of that Schedule a copy of which is enclosed.

The various administrations of South Africa were invited to circulate this information as widely as possible amongst the Natives an invitation which was readily responded to. The minimum rate of pay for adult labourers was thus increased from 30s. to 45s. per month. While the change has possibly attracted a few more Natives to the Mines, and produced greater contentment amongst them, it cannot be said that this increase has resulted in any marked appreciation of the labour supply which continues to fall very far short of the demand. High wages have a tendency to reduce rather than to augment the supply.

The volume of native labour in circulation is regulated by the wants of the labourers. If by earning higher wages they can supply their wants in less time, their period of service will be proportionately less. By increasing their personal wants they will in due course extend their period of service. This is, however, a gradual process. Meanwhile the reactionary effect of high wages should not be overlooked.

## 8. MORTALITY, TREATMENT AND CONDITION OF NATIVE LABOURERS ON THE MINES.

In my last Departmental report dated the 3rd March, 1903, I mentioned the fact that at my instigation a representative committee of Mine Doctors was then sitting to consider the question of accommodation, health and diet amongst Natives on the Mines with a view to uniformity of treatment.

This Committee presented its report to me on the 6th June and the Executive Committee of the Chamber of Mines furnished me with a memorandum thereon dated the 3rd September—copies of these documents are submitted as appendices herewith.

Dr. Irvine and the medical men associated with him carried out this important enquiry with great care and thoroughness, and I record with much pleasure my appreciation of their work.

It will be observed that their practical suggestions at once commended themselves to the Chamber of Mines by whom they have been recommended for adoption, almost in their entirety, to all the Mining Companies represented in the Chamber.

Pneumonia and scurvy continue to be the principal diseases from which Natives suffer during their employment on the Mines.

No efforts are being spared to reduce the high rate of mortality, which is due principally to pneumonia, and to ascertain the general origin of the scorbutic condition of the native labourers which manifests itself both on their arrival and during the period of their service.

Appendices No. 6,  
7, 8, 9, 10, 11,  
and 12.

Appendix No. 13

Appendix G.



### 9. BRITISH CENTRAL AFRICAN NATIVE LABOURERS.

Upon the occasion of the visit of the Secretary of State for the Colonies to Johannesburg in January last the Chairman of the Chamber of Mines addressed a representation to him seeking facilities for Agents of the Witwatersrand Native Labour Association to visit Tembue, Kavirondo, and the Uganda Protectorate with the object of enquiring into the prospects of procuring native labour for the Mines in those Districts.

Mr. Chamberlain undertook to recommend that the desired facilities should be granted and also that the recruitment of Natives be allowed in the British Central African Protectorate subject to such conditions and regulations as might be decided upon.

The negotiations which ensued led to an agreement between the Witwatersrand Native Labour Association and His Majesty's Commissioner for the British Central African Protectorate under which the Association was permitted to engage 1,000 natives as an experiment for service on the Mines, upon a 12 months' contract under certain stipulated conditions as to pay, repatriation, etc.

The first batch of 380 Natives recruited in accordance with these arrangements arrived in Johannesburg on the 17th June.

Towards the end of that month an unfortunate strike occurred amongst 84 of them which resulted in their punishment by a few days' imprisonment. They were held by the Magistrate to have violated their agreement which had been fully attested and explained to them by their own Magistrate at the time of recruiting.

A second gang of 343 arrived on the 28th August, and a third numbering 86 on the 18th September.

A total number of 739 have therefore actually been received from British Central Africa out of the 1,000 arranged for.

Every possible precaution was taken by this Department to give the experiment a fair test. The men have worked on selected Mines under the most favourable conditions. They were medically examined by a Government doctor, provisions were made for suitable food, clothing and medical treatment, and the Mining Authorities lent themselves cordially to all suggestions calculated to secure the success of the experiment.

It is premature to express an opinion as to whether the experiment will be found on the whole to be a success. It would appear from the reports which have reached me up to the present time that the results are not encouraging.

### 10. NATIVE COMPENSATION CLAIMS FOR WAR LOSSES.

On the 21st July, 1902, it was determined :—

- 1.—That a lump sum should be set apart for such compensation.
- 2.—That in order to arrive at a proper *pro rata* distribution of this sum among the various Natives having suffered losses, the Native Commissioners in Districts, where such Commissioners exist and, where they do not exist, the Resident Magistrates should receive native claims and estimate to the best of their ability the losses of each individual.
- 3.—That no compensation should be given to Natives except for direct losses falling under the following heads :—

LIVE STOCK.

GRAIN.

SEED.

AGRICULTURAL IMPLEMENTS.,

but that it should be competent for the Commissioner for Native Affairs to admit claims for compensation for any other direct loss, if submitted as a special case by the Native Commissioner or Resident Magistrate.

In accordance therewith the Native Commissioners were at once instructed to take up the investigation of these claims. This laborious and complicated task has absorbed a great deal of their time, and has been attended with many difficulties. It was undertaken at a period when the Natives were scattered all over the country as a consequence of the war, and during the actual process of their settlement.

Considerable progress had nevertheless been accomplished by the end of June, but the final assessment of the claims and allotment of the fund cannot be completed before June next.

### 11. NATIVES' MILITARY RECEIPTS.

During the course of the war a large number of receipts were issued to Natives for stock, grain and other goods requisitioned from them for the use of the Army. Many of the Natives in the native refugee camps were in possession of such receipts, and in July, 1902, it was arranged between Colonel Trench, President of the Central Military Compensation Board, and Major de Lotbinière, Officer in charge of Native Refugees in the Transvaal, that the Native Refugee Department should undertake the work of collecting these receipts from the Natives in the camps, getting them passed for payment by the Staff Officers for Receipts, and paying out to natives in cash the amounts to which they were entitled. It was subsequently arranged that this work could not be restricted to the receipts held by Refugee Natives, but that the receipts of all Natives in the Transvaal should be likewise dealt with, and, as the Refugee Camps had been broken up and the Natives sent back to their homes, the work was undertaken



by this Department and is being carried out by the Native Commissioners of the different districts. The task was attended with very great difficulties owing to the fact that many of the natives had handed in their receipts to different Military Authorities without receiving any acknowledgment whereby they could be identified. It was also a difficult matter sometimes to trace the receipts which had been handed in even when the Natives held an acknowledgment. The work, however, was carried on simultaneously in the different districts, and when Major de Lotbiniere handed over the management of it to the Secretary for Native Affairs, on 20th January, 1903, receipts had been dealt with as follows:—

	RECEIPTS.	AMOUNT.
Passed for payment, .. .. .	2,926	£155,549 6 5
Paid to Natives, .. .. .	2,369	132,336 0 9
Balance in hand .. .. .	557	23,213 5 8
Since the above date there has been passed for payment ..	462	27,761 0 8
	1,019	£50,974 6 4
and paid to Natives, .. .. .	579	30,773 16 11
Leaving a balance still on hand of .. .. .	440	£20,200 9 5
Total paid to Natives, .. .. .	2,948	163,109 17 8

The collection of receipts is still going on as well as the tracing of the owners of receipts in the hands of the Military Authorities and the work has taken a much longer time than was expected in consequence of the difficulties already referred to and to the dilatoriness of the Natives, both in bringing in the receipts or acknowledgments which they hold or laying claim to the receipt previously handed in by them, and also in coming back to receive payment after their receipts have been passed. It is expected, however, that the whole work will be finished in a few months.

## 12. NATIVE TAX.

The first collection of the general Native Tax provided for under Ordinance No. 20 was commenced on the 1st April this year.

The Chiefs had previously been instructed to prepare all the Natives for the payment of the tax.

It was anticipated that a certain amount of difficulty might possibly be encountered in the collection of this tax which had never been systematically undertaken before and which was started at a time when the Natives were still considerably unsettled by the effects of the war.

Any apprehensions which existed were very soon dispelled by the remarkably good spirit evinced by the Natives in every district of the Colony, and by the prompt manner in which they paid up the tax.

This will be recognised by the fact that no less than £271,503 had been actually brought to account in the three months of the financial year which ended on the 30th June.

In a few instances only was it necessary to impose any fines for the evasion of payment.

The Native Commissioners deserve credit for the prudent and satisfactory manner in which they accomplished this task.

## 13. EDUCATION.

The following system has been adopted by the Educational Department in the matter of Native Education:—

The assistance given by the Government in the education of the native races in the Transvaal Colony shall partly be granted through the channel of the various religious bodies engaged in missionary work and any religious body of standing approved by the Government of the Transvaal that may be desirous of assisting in the education of the Native races in the said Colony shall receive through their duly authorised representatives, grants from the funds assigned by the Government in aid of such education on the conditions specified hereafter.

The object of this annual grant shall be:—

- 1.—To give instructions in the Ordinary Mission Schools in the elements of speaking, reading, writing the English language, and in simple arithmetic and in other elementary subjects up to a stage corresponding to Standard III.
- 2.—To encourage the combination of Manual Training for both sexes with the ordinary school instruction.
- 3.—To assist in the training of native teachers on the lines of a syllabus hereafter specified.

Each Native Mission School seeking financial aid from Government must be specifically under the superintendence of a white Missionary (as specified in s. 1) or other European person recognised by Government as competent to exercise an efficient control, who shall act as the correspondent with the Government in all matters relating to the school, and be responsible for the disbursing of all Government subsidies, for the furnishing to Government of all returns desired and for the keeping of proper accounts for the school, which are to be open for examination at any time by the Government official deputed for that purpose.



All Mission Schools for which Government inspection and subsidy are desired must be registered in terms of the Education Ordinance No. 7 in the books of the Education Department by the responsible representative of each Church or Mission.

Special Registration Forms are prescribed for the purpose. The name of the Superintendent Missionary for each school must be clearly indicated.

The grant of such Mission Schools shall after January 1st, 1904, be paid quarterly through the Missionary Superintendent and shall be based on satisfactory conditions being complied with as regards :—

- a. Average attendance.
- b. Building and general equipment and sanitary provision.
- c. Discipline and organization.
- d. Efficiency and instruction.
- e. Local contribution in fees or otherwise.

In order to avoid the multiplying of small schools and to encourage the development of large schools the minimum quarterly average attendance necessary to entitle to Government aid shall be :—

- 30 for a *country* school.  
60 for a *village* or *town* school.

The school building of any school registered under Clause 5 shall be open, at any time during the hours set apart for secular instruction, for the entrance of the Government Inspector of Schools, whose duty it shall be to classify the pupils present after individual inspection and examination, to report on the state of repair and the general suitability of the building and equipment, including sanitary provision, to examine all registers and accounts, including the statement of local or private contributions for the preceding quarter, to judge of the state of discipline and organization, and of the efficiency of the teachers and of the instruction given, and to report thereon to the Education Department.

In order to provide more systematic and extensive manual instruction, Government may establish at convenient centres, schools under Government control for the industrial training of Natives who desire such training, and can show proficiency in English and subjects of elementary instruction up to Standard III.

With a view to providing an efficient class of Native Teachers for Mission Schools, Government shall prescribe a course of training according to a syllabus which shall provide for :—

- a. Instruction in English and other elementary subjects up to a stage corresponding to Standard VI.
- b. Instruction sufficient to enable them to teach at least one industrial subject.
- c. Professional Training ;

and shall issue certificates of competency to those who shall pass successfully the examinations prescribed.

Aid may be given for the training of Native Teachers to such training institutions as conform to the Government Syllabus and satisfy the Government Inspector.

#### 14. FOOD SUPPLY.

The continued drought and difficulty of obtaining oxen and ploughs resulted in a small output of grain, and the supply of food fell considerably below the demand. The Natives consequently suffered from a certain amount of want, but there was no occasion for the Government to ~~come~~ to their assistance, as arrangements had been made by the Department under which local traders undertook to meet the scarcity by importing and supplying mealies to the Natives on reasonable terms. There was no apparent want of money wherewith to purchase food stuff, but a difficulty in circulating it owing to lack of transport.

One of the reasons for the poverty of the *kafr* corn and mealie crops is stated to be that the same seed has been used without change for a considerable period of time.

In reply to a communication bringing this matter to his notice, the Director of Agriculture remarked that "It is a well-known fact that frequent changes of seeds are beneficial, and if the same stock is used in a district year after year it is almost certain to become seriously deteriorated, for the yield will decrease, the grain will be of poorer quality, and the plant itself will be feeble and liable to disease."

It is therefore proposed to make arrangements with the Agricultural Department for the importation of a limited quantity of fresh grain to be planted next year. The Natives are ready to purchase the seed at cost price on delivery.

#### 15. CENSUS OF POPULATION.

The Natives have been informed that it is the intention of the Government to take a complete census of the whole inhabitants of British South Africa in April, 1904.

In the meanwhile a provisional enumeration of the Native population has been carried out during the general tax collection; with the result shown in the return which forms Appendix No. 5 herewith.



It was found that there were approximately known to be :—

144,146 Men—24 per cent.  
156,272 Women—26 per cent.  
305,248 Children—50 per cent.

605,666

It is possible that this estimate may prove to be below the actual population. A certain number of men liable to pay taxes were absent during the collection, which took place from April to June. The absentees and their families were estimated to account for another 15,000.

From all reports, however, the entire native population, exclusive of foreign natives engaged in labour, is not likely to exceed 650,000.

#### 16. LABOUR AGENT AND COMPOUND OVERSEER REGULATIONS.

Previous to the British occupation no Government regulations existed in the Transvaal regarding the recruiting of native labourers. It was the common practice to obtain them in any way or by any means. The large financial houses could, separately or in conjunction, employ their own recruiters either for individual Mines or for the group as a whole. Smaller employers, such as Contractors, often relied on their personal influence with certain tribes to provide them with the required labour, and supplemented this supply by any means they could.

It was thus open to anyone who could obtain from an Agent or any other source the promise of a batch of Natives either in the Transvaal or in the neighbouring territories, to go round to the Mines or other employers and offer lots at so much per head.

This led to many abuses, as, in order to recruit a large gang, unscrupulous Agents were not averse to making promises regarding pay and work which could never be fulfilled.

Again, on their way to the Witwatersrand, whole gangs of natives were often stolen from their conductors and sold to the first convenient employer, the Agent being unable to get any return for his expenditure in recruiting expenses and railway fares. An occurrence of this kind gave the Native no chance of redress. He was recruited by one man, of whom he probably knew little, engaged by another of whom he knew less, and there was no responsible person within his reach on whom he had a claim for the fulfilment of the pledges originally made.

A further abuse was the great traffic which existed in enticing Natives from the Compound of one Mine and selling them to another employer, thus encouraging desertion.

The Proclamation providing for the employment of Labour Agents and Compound Overseers, under Licence only, and subject to Regulations, was published in the *Government Gazette* on December 11th, 1901, and came into operation on January 1st, 1902.

#### LABOUR AGENTS.

The following are two of the principal points of the Regulations :—

- a. Small employers of labour are allowed to engage a few Natives for their own *bona fide* service otherwise no recruiting is permitted without a licence.
- b. Labour Agents must recruit for definite employers only.

As a consequence, Natives before they are recruited must be fully informed where and for whom they are engaging themselves to work, and if any false promises are made to them there is a person directly responsible for their engagement, *i.e.*, the licensed Labour Agent, against whom proceedings may be instituted.

During the period under review 187 licences were issued to 161 Labour Agents, 26 of the licences being renewals of some previously granted.

#### —Analysis of the Employers :—

Government Departments (Royal Engineers, Central South African Railways, Public Works, etc.)	.. .. .	30 Labour Agents.
Witwatersrand Native Labour Association	.. .. .	67 Labour Agents.
Other Gold Mining and Diamond Companies	.. .. .	17 Labour Agents.
Collieries	.. .. .	5 Labour Agents.
Contractors	.. .. .	31 Labour Agents.
Other Employers	.. .. .	11 Labour Agents.

Total .. .. . 161 Labour Agents.

2.—Analysis of the Chief Recruiting Districts, Northern Division, Transvaal	.. .. .	57 Labour Agents.
North-Western Division, Transvaal	.. .. .	9 Labour Agents.
Eastern Division, Transvaal	.. .. .	28 Labour Agents.
Central Division, Transvaal	.. .. .	7 Labour Agents.
Western Division, Transvaal	.. .. .	17 Labour Agents.
Swaziland	.. .. .	12 Labour Agents.
Orange River Colony, conducting	.. .. .	3 Labour Agents.
Cape Colony, conducting	.. .. .	11 Labour Agents.
Basutoland, conducting	.. .. .	12 Labour Agents.
East Coast, conducting	.. .. .	5 Labour Agents.

Total .. .. . 161 Labour Agents.



During the year 4 licences were withdrawn at the request of the Employers of the respective Agents for unsatisfactory conduct, and two were cancelled by the Commissioner for Native Affairs for breach of the Regulations.

In three instances proceedings have been instituted against persons for recruiting Natives without being provided with a licence authorising them to do so, and in each of these convictions were obtained.

The Regulations appear to have attained the object with which they were framed. No obstacles have been thrown in the way of legitimate recruiting, while, by the system of licences, the Native Commissioners of the various divisions have been assisted in exercising supervision over the operations in their respective districts. The interests, both of the Labour Agent and of the Natives, have been safe guarded, each party being bound to carry out the contract mutually made, and confirmed before an Official of the Department.

Owing to the scarcity of Native Labour a cry was raised in some quarters for "free recruiting." This was simply due to a misconception of the facts. The cost of a licence spread over even a small number of Native labourers is infinitesimal. Recruiting is practically free to any one who has *bona fide* employment for Natives, but what is not free to anyone is the old practice of engaging as many Natives as possible on speculation, and then selling their services to the highest bidder. Such proceedings have been entirely and rightly forbidden.

#### COMPOUND OVERSEERS.

During the same period 245 licences, including renewals, have been issued to the Overseers in charge of the native labourers in the various Compounds. Altogether 126 Overseers have been licensed, the total number of Companies or Employers being 98.

##### Analysis of Employers :

Gold Mining Companies	..	..	..	..	..	..	..	..	78
Collieries	..	..	..	..	..	..	..	..	8
Central South African Railways	..	..	..	..	..	..	..	..	1
Other Employers	..	—	..	..	..	..	..	..	11
									98

The Overseers are held responsible for the proper treatment of the Natives under their charge, and are under the supervision of the Inspectors. Of the 28 whose licences have expired many were employed temporarily until the former employees returned to the Rand after the war.

#### 17. LETTERS OF EXEMPTION.

A Proclamation was issued in December, 1901, providing for the exemption from the Pass Law and other Laws of certain Natives, chiefly ordained Ministers and those holding high educational certificates, who had proved themselves to have attained a certain standard of civilization.

Up to June 30th, 1903, 307 Natives had applied for this privilege, most of them on insufficient grounds. 45 Letters of Exemption have been granted.

#### 18. REGISTRATION CERTIFICATES.

An Ordinance was passed on the 1st October, 1902, to relieve from the operation of the Pass Laws certain respectable and deserving Natives who did not possess the necessary qualifications to entitle them to Letters of Exemption under the Exemption Proclamation of 1901.

Certificates of Registration were issued under this Ordinance to a large number of Natives engaged as skilled artisans, mechanics, tradesmen, and Catechists.

The case of Coloured Persons, not being Natives, who were liable to inconvenience by reason of the doubt as to whether they came within the provisions of the Pass Laws or not was met by a Government Notice dated October 15th, 1902, which provided that such persons could, if they so desired, apply for special registration. Of this privilege great advantage was taken, 613 certificates having been issued in the eight months; 35 duplicates have also been issued.

#### 19. DEPOSIT AND REMITTANCE AGENCY.

Before the outbreak of the war separate Agencies had been maintained in Johannesburg by the Governments of the Cape Colony, Natal and Basutoland for the purpose of enabling Native Labourers on the Witwatersrand Gold Fields to remit money to relatives and families at their kraals.

As it was found that the Natives had appreciated and largely availed themselves of the advantages of these Offices, the Governments in the several territories of British South Africa were informed that this Administration was prepared to establish a general Deposit and Remittance Agency under the Native Affairs Department in the common interest of all concerned.

This proposal met with ready approval, and an Agency was accordingly opened on the 1st August, 1902.

Branch Offices were established at Pretoria in January, 1903, and at Germiston in April, 1903.

The homes of a large class of the Natives employed in the Transvaal, viz., those who belong to purely Native territories, are not within reach of ordinary postal communication, and the advantage offered by the Agency as a means of transmitting money to such places and of enabling Native Labourers to hear from their homes there, are being readily recognised.



During the tax collection a large amount of money was remitted through this channel by Natives for the purpose of paying their taxes, and the Agency has been of great assistance to those desirous of sending money to their homes for the purpose of purchasing food supplies, the crops having failed in many districts.

The Agency is largely made use of also as a means of tracing and communicating with Natives who are required at their homes, either because their people are destitute or in need of some one to take charge of the kraal.

The larger Compounds and principal centres of labour are visited periodically by officers of the Agency, with the object of placing every facility for banking money or sending it home within reach of the Natives employed there, many of whom are found to experience some difficulty in obtaining permission to attend at the Office of the Agency in person.

The transactions in connection with the banking of Native earnings for safe-keeping locally continue to increase in volume from month to month.

A fee of half-a-crown is charged on each remittance forwarded for a Native, irrespective of the amount.

Statements are sub-joined shewing:—

- a Remittance to the several territories in South Africa during the year ended 30th June, 1903.
- b Deposits, withdrawals, and balances for the same period; the transactions of the Natives from the different territories being shewn separately.
- c The fees collected on remittances to the 30th June, 1903.

## 20. ADMINISTRATION OF ESTATES OF DECEASED NATIVES.

This matter comes within the purview of the Native Affairs Department only in relation to the intestate estates of Natives who have not during their life-time contracted a lawful marriage, or who, being unmarried are not the offspring of parents lawfully married.

A distinction is drawn between Natives, the parties to a lawful marriage contracted in this or any other Colony in South Africa, or the issue of such marriage, and those united merely under Native custom or born of such union,

The estates of the former are administered by the Master of the Supreme Court under the ordinary Law of the Colony, Transvaal Proclamation No. 28 of 1902, while those of the latter class are administered and distributed by this Department in accordance with the customs and usages of the Tribe or People to whom the deceased belonged.

The majority of cases dealt with are those of Native labourers who die while in service on the Witwatersrand, or in such towns as Pretoria and Potchefstroom.

The efforts of this Department are directed towards the tracing of the deceased Natives' next-of-kin, who, if found, are given information of the death; any money belonging to the estate being paid to the heir according to Native Law.

In cases of Natives from the Cape Colony, Natal, Transvaal and Basutoland, it is found possible to trace the relatives and make payment of monies through the Government Officers of the district in which the deceased ordinarily resided, and the satisfactory administration of many Native Estates has been due to the invaluable assistance of the Officers referred to.

It is more difficult, however, to deal similarly with the estates of Natives from Portuguese territory, as the means of identification through official sources are not always available. The custom in such cases has been for the Compound Manager of the Mining Company to pay out any money due to the deceased to his nearest relative on the spot, and in the absence of any better way of administration, this has been allowed to continue.

From the 1st July, 1902, to the 30th June, 1903, small sums amounting in the aggregate to £1,684 5s. 3d. were received into the Native Estates Account, while the payments to relatives of deceased Natives amounted to £1,112 4s. 10d.

Apart from these amounts there was on the 30th June, 1902, a sum of £637 3s. 10d. in the Native Estates Account, belonging to a number of Estates in which the next-of-kin could not be traced. The funds in these Estates were received principally from the Military Authorities during the war, and in due course will, if not claimed, be transferred to the Master of the Supreme Court for disposal as derelict estates.

## 21. MARRIAGES.

The only form of Native Marriage recognised as legal in the Transvaal is that contracted in accordance with the provisions of Law No. 3 of 1897.

Duplicate Original Registers of Marriages solemnised under this Law are forwarded at the close of every month to the Native Affairs Department for record. A fee of £3 is payable on the solemnization of each marriage.

For the purpose of unifying the procedure in the solemnisation and registration of Native marriages a series of instructions have been issued for the guidance of Marriage Officers.



Copies of the Law No. 3 of 1897 have been distributed to all Clergymen and Ministers of religion who are Marriage Officers under Article 6 of the Law.

A statement shewing the number of marriages solemnised during the year ended 30th June, 1903, Appendix No. 17. is appended.

An Ordinance, No. 29, was passed last session providing for the Legalisation of Marriages between coloured people before the operation of Law No. 3 of 1897.

That Law has been found to operate very hardly and it is proposed to ask the Legislative Council to amend it upon the lines of the Cape Marriage Law.

## 22. OFFICIAL EXAMINATIONS.

The advantage of passing the Law Examination has been strongly impressed upon all Officers of this Department with a view to their qualifying for appointments in the Civil Service in which a knowledge of law is indispensable.

Every encouragement is also being afforded them in the study of Native Languages, the knowledge of which is a sine qua non to their ultimate appointment to the permanent establishment and eligibility for pension.

It is intended that every Officer of the Department shall be required to pass an examination in Dutch or in one or other of the Native Dialects.

All Officers are also required to pass a Medical Examination.

## 23. GAME.

Soon after the conclusion of the war the Administration of the Sabi Game Reserve was entrusted to this Department.

Under the late Government a Law had been passed in 1894 to provide for the general preservation of game, and by a Proclamation dated the 26th March, 1898, a Reserve was defined within which hunting and shooting without a Permit was strictly prohibited between the Crocodile and Sabi rivers.

For the purpose of exercising an effective supervision over this area, Major Hamilton was appointed as a Government Warden with authority to employ such European rangers and Native police as were required to prevent contraventions of the Law.

An interim notice was published informing the general public of the existence of the Reserve, and warning them of the penalties for any unlawful trespassing within its boundaries.

On the 16th October, 1902, an Ordinance was passed repealing the Law of 1894, and making other provisions for the protection of Game.

Under this Ordinance the triangular area lying between the Sabi and Crocodile rivers was re-proclaimed as a Reserve by Proclamation dated the 28th August, 1903, which at the same time provided for an extension of its boundaries on the west of the Zand river and to the north as far as the Oliphants River. A map of this area, which is known as the Sabi Reserve is appended.

Appendix No. 18.

A further Reserve situated in the Piet Retief District between the southern border of Swaziland, the Zululand border and the Pongola river, which had been proclaimed on the 12th June, 1893, as a Reserve, was re-proclaimed as such on the 26th May, 1903. As in the case of the Sabi Reserve, the area was extended by the inclusion of three or four farms to the west.

This Reserve, of which a map is appended, is under the supervision of Major Fraser, assisted by a few Native police.

A third Reserve, known as the Singwitsi, was established by Proclamation of the Governor, dated the 29th May, 1903, embracing the district between the Portuguese Border in the east, the Letaba river on the south, the Parfuri river on the west and the Limpopo on the north.

Appendix No. 19.

It is proposed to place a European ranger in charge of this area with a sufficient number of Native police under him.

It will thus be seen that, with the exception of a narrow belt lying between the Letaba and Oliphants rivers, the whole of that strip of country, about 50 miles in width, running along and parallel to the Portuguese border from the Limpopo to the Crocodile rivers, is under strict preservation.

By Ordinance No. 3 of 1903, the Lieutenant-Governor is empowered to make rules and regulations for:—

a The protection and preservation of game within any reserve established under Section 20 of the Game Preservation Ordinance, 1902.

b The appointment of wardens and rangers for any such reserve.

c The regulation of traffic through any such reserve.

d Generally the proper carrying out of the objects of the said Ordinance.

Reports by the Government Warden are submitted.

Annexures II & I.



Considerable interest has been taken in the preservation of game by numerous individuals throughout the Colony, and particularly by the Transvaal Game Protection Association and by the Transvaal Land-Owners' Association, to whom the Department is much indebted for the cordial assistance which they have rendered and for their active co-operation in all the measures which have been adopted to protect what remains of the South African Fauna in this Colony.

Reports are enclosed by the Chief Labour Inspector and the Controller of Passports detailing the work carried out by them in connection with the inspection and Pass Branches of the Department throughout the Witwatersrand area.

Statistical Returns are also submitted as enumerated in Schedule II., from numbers 20 to 45 inclusive.

I desire in conclusion to record my high appreciation of the satisfactory manner in which all the responsible Officers of the Department have carried out the various duties entrusted to them.

(Signed) GODFREY LAGDEN,  
Commissioner for Native Affairs.

JOHANNESBURG,  
February 15th, 1904.



## NATIVE AFFAIRS.

## ANNUAL REPORT FOR 1902-03.

## SCHEDULE OF ENCLOSURES.

## 1.—ADMINISTRATIVE.

ANNEXURE.	REPORT.
A.	Native Commissioner, Northern Division.
B.	Native Commissioner, Eastern Division.
C.	Native Commissioner, Central Division.
D.	Native Commissioner, Western Division.
E.	Native Commissioner, North Western Division.
F.	Native Commissioner, South Eastern Division.
G.	Minister of Education.
H.	Game Warden.
I.	Game Warden.
J.	Chief Labour Inspector.
K.	Controller of Passports.



## ANNEXURE "A."

# Native Commissioners' Annual Reports

## NORTHERN DIVISION.

The area of the Zoutpansberg District is about 25,654 square miles with an estimated Native population of 201,539 souls.

Of these there would appear to be three practically distinct Native people, viz., the Basuto (Bapedi), Bavenda and Tshangaana (Magwamba or Bathonga). Each speaks its own dialect; the Sesuto tongue being fairly generally understood by all; the Seveda is somewhat similar to the Sesuto, whilst that of the Tshangaana is not fluently spoken or understood by either of the two former.

Of the tribes spoken of above, the Basuto would appear to have lived the longest in the District; the Bavenda are said to have come down from beyond the Zambesi, and the Tshangaana are immigrants from the Gaza people whose history is well known.

The District may be divided into two varieties of country, the high veldt and low veldt. The high veldt runs practically through the middle of the District, falling away into the low veldt on every side. It cannot be called a well watered district; along the three principal mountain ranges which traverse the district, viz., the Drakensberg (with its offshoot the Woodbush Range), the Zoutpansberg, and Blaauwberg, there is good water, and there are rivers such as the Olifants, Limpopo, Letaba, Magalekweni, Limpvib, etc., but with all these rivers there are stretches of land where no water exists at all. It is on this account that so much wilderness and totally uninhabited country is to be found. This is generally dry, rocky, and covered with Mimosa and Mapani timber.

In the winter months the District is extremely healthy, whilst in summer malarial fever is very prevalent in the low lying parts. Horse sickness is notoriously bad, which practically precludes the keeping, in many places, of these animals except where the greatest care is exercised.

Viewed from the agricultural point of view the District is a good one. Crops of most kinds can be raised, and both tropical fruits and those of a temperate climate can be found growing and succeeding well alongside each other in many parts. Mealies and tobacco would seem the most popular crops cultivated at present.

Minerals of various kinds exist in the District, but owing to the many difficulties the prospects have been undeveloped. The situation of most of these is a considerable distance from the railway, transport is a great difficulty and fever at times may be said to have been the chief drawback to sound work being commenced.

The estimated area of defined Native Locations is 739 square miles approximately; of this some 33 square miles must be looked upon as a doubtful asset for the reason that though private farms were expropriated for location purposes, no payment has up to the present been made.

Most of these Locations are well selected and suitable, but in some cases are dry and consequently represent less arable land than would appear from reference to the map.

Information has been collected and forwarded to the Government with a view to locating such tribes who have not had locations assigned to them, and who from a political point of view should have land reserved for them.

## POLITICAL ASPECT.

The natives emerged from the War in a state of restlessness and unnatural excitement, with the idea that the object of the War had been to return to them their old lands, and that the white owners had been expelled for ever from their farms and habitations. They had become imbued with the idea that the country was now theirs to do as they willed with, and in fact that we had engaged in the war in order to win it for them. Wherever they got these ideas from they received a rude awakening. They found the country was not theirs; that we had not fought to give it to them, and most of all that the owners went back and still owned the farms the Natives now imagined to be theirs. All this naturally took time to sink into their minds. Numerous cases arose where Natives had moved on to temporarily abandoned farms with their kraals and gardens, thinking the owners would not again return. All these had either to be removed or placed on distinct understandings with the landlords, and in the course of a few months troubles of this nature practically ceased.

Following on this came the Disarmament Act. This at first the Natives did not quite understand, and whilst obeying it throughout the district, could not entirely conceal a feeling of resentment in parting with their much prized arms.



Then came almost immediately afterwards the Native Tax Ordinance. This was nothing new in itself, except that the Act was at once put into thorough motion, and many were made to pay who had for years past been able to evade their taxes. On the whole the Tax was well paid, and few prosecutions were found necessary.

The Game, Pass and other Ordinances effecting Natives were at once applied to them, and after a very short space of time they saw things reasonably, and fell back once more into their normal state of living, which was clearly made manifest by the readiness with which the Arms were surrendered, both Tax and Dog Tax paid, and compliance without demur of subsequent orders and instructions.

The system of Government of the Native is tribal throughout the District. The people still adhere to their Chiefs and old traditions, and in the absence of any other system it is difficult to see how the people would be otherwise properly managed. The Basuto and Bavenda adhere strenuously to the tribal system, whilst the Bathonga have the same system on a somewhat smaller scale. In place of large Chiefs they have Indunas who correspond in a measure to Chiefs. Kraal and tribal influence rules most domestic matters, and recourse is only had to our Courts when their own people have failed to satisfy the disputants.

Politically the Native population of the District can be said to be satisfactory. They are very conservative and slow to change their ideas. No general change can be said to have come over the Natives during the year. There has been a total absence of faction fighting, and the population has been quiet and well behaved.

An Association was formed under the style of the Zoutspansberg Native Vigilance Association, by some four or five hundred mostly educated Natives, but little or no movement has resulted so far beyond starting a Native paper known as "Lehlo," the first publication of which is to come out with the New Year.

### PROGRESS IN CIVILIZATION.

No perceptible change can yet be said to have come over the people. They live much in the same way as they did years ago, are very conservative and slow to change their ideas. Some have acquired ploughs, farm implements and wagons, etc. Most of the male Natives now wear some sort of European clothing, and many of the Chiefs dress well. The cultivation of their fields continues the same year after year. They take all that is to be got out of the land by surface scratching and do nothing to restore fertility of the soil by rotation of crops or manuring. They certainly have taken more to using ploughs, and in fact where they possess oxen one invariably finds the plough and wagon in use. Only small irrigation has been done by the Natives.

A fair number of Natives in the District have adopted Christianity and are being taught at the various Missions situated at the largest and most convenient Native centres. The success of the Missionary enterprise cannot be denied, for one sees at a glance the great difference in the superior buildings and general surroundings of Mission Natives when placed alongside their heathen brethren. The former build good substantial houses in some order in villages, and thus conserve their ground and utilise what remains in the cultivation of their crops and for grazing stock. From a literary point of view, great improvement is to be found in the number of children attending school at the different missions, and the number of Natives capable of writing and reading in various degrees of efficiency. This at once leads to their requirements becoming more than those of the raw Natives. They take to European clothing and buy other articles that their heathen brethren do without. The fairly universal opinion that the Christian Native becomes a bad character, lazy and useless, is, I think, unreasonably expressed; he is at the particular moment undergoing a very great evolution, which necessarily must be gradual in its effects, and can only be realised as years go on.

It is my firm conviction that the only way to solve the Native problem will be firstly by education; however primitive the education is, it takes the Native mind away from his Native ideas, which up to then are the only natural ones he could have; it leads him to throw away many of his own ways; he marries under Christian rites and in that way alone renders a serious blow to polygamy, which is one of the main roots of the whole of the Native difficulty.

Having got them educated they will more readily see the advantages of a different land tenure the necessity for work and other things that he at present turns his back upon. Up to the present the tuition of the Native has been left entirely to the Missionaries. It is only fair and just to them to affirm that they are earnest exponents of progressive ideas, but that they are seriously handicapped by lack of funds: the only local support is that obtainable in good seasons from the members of the Native congregation. His superstitious nature is a great barrier to the conversion of the Native, and this over and above the fact, that he views all modern ideas as detrimental to his much cherished customs and traditions.

His greatest progress towards civilization is, that he is perceptibly taking more to work, and it can be argued that what civilisation has come to him has done so through working for the white man and amongst the white men, and the best education he can have is working in places like Johannesburg and Pretoria, where he has the advantage of seeing the white man himself working.

### SOCIAL AND MORAL CONDITION.

Generally speaking the Natives abide by their ancient customs in this respect: the moral condition according to the native idea is maintained fairly well. A peculiar feature, unlike other Native tribes further South, is that some of the people intermarry to such an extent that the laws of con-



sanguinity are on the verge of being violated; indeed they have been amongst those of "Royal" blood. It might not be out of place to instance the case of Sibenga, the Chief Sibasa's father, who sent his daughter Popi to Ramabulana in marriage. Madala, Popi's offspring, in due course, was married to her uncle Sibasa (Popi's brother). An offspring of this very union, Mawasana, is to-day disputing the inheritance of Sibasa.

The receipt and payment of "Lobolo" in connection with Native marriages conducted under their own rites still goes on, but in a promiscuous way. It varies a good deal in different parts of the District; in some the people feel bound in honour to pay the "Lobolo," and do so, whilst in others promises of payment are made, but invariably not carried out. Such claims are precluded from our Courts.

Proportionately only a small number of marriages are contracted under Christian rites. During the period under report only 128 marriages were registered. The remainder must necessarily have been entered into under Native rites only, of which the Laws take no cognizance. This becomes a somewhat serious question, as practically excepting the small proportion of Christian marriages, no state of marriage exists.

It has been suggested that the only solution of the trouble would be to insist upon every marriage taking place under the Native Marriage Law of 1897.

Witchcraft was practised largely amongst the Tshangaanas. To the doctors it proved a lucrative employment, whilst on the other hand it was the cause of very considerable distress to the people concerned, ending often in driving people away from their families, causing assaults, ill-treatment and general abuse. Stringent measures were taken to suppress this, and we can fairly claim to have reduced it considerably if we have not quite stamped it out.

The Basuto, whilst having his superstitions, seldom engages in witchcraft. Both the witchcraft of the Tshangaanas and the circumcision of the Basuto must be looked upon as part and parcel of their religion; whilst they have no active shape or form of religion, such things as the circumcision and the secrecy maintained in connection with it cannot be denied as being a form of religion.

### HEALTH.

The health of the Native population has been good throughout the year, although a certain number died at the beginning of the year from pneumonia and malarial fever.

Syphilis is a disease that has a fairly firm hold on the Natives of one or two tribes, particularly that of Malaboch's. This disease is being combatted against with very great success, but in treating a Native for this complaint I am told he is a most unsatisfactory patient, for as soon as visible signs of the disease disappear he leaves off his treatment only to see signs of the complaint re-appear.

This disease is said to be not of long standing in the District. In Malaboch's tribe, which is most affected, it is traced back to the last ten years, before which, it is said, none existed.

### FOOD SUPPLY.

This depends entirely on the rain. Given a fair amount of rain, ample crops are obtainable. The topographical nature of the country is such that one portion of the District will always have a fair supply of grain; thus in wet seasons the low veldt will grow ample mealies, whilst in dry seasons the mountains have to supply the low veldt.

The grain planted is mealies, mabele, anapoko millet; in addition to the grain, pumpkins, sweet potatoes, melons, monkey nuts and bananas are extensively cultivated. There are in addition various kinds of wild fruits used for food, chief amongst which in some parts is the cream of tartar tree. Wild figs and plums abound and the vegetable ivory palm yields a liquid much appreciated.

As has occurred during the present year, the shortage of food was met very reasonably by local traders and transport riders, who carried grain to all parts of the District where it was wanted, and the keenness of competition had the effect of keeping the price within reasonable limits.

### TRADE.

Natives do not make capable storekeepers; there is only one holding a licence in this District. They depend for their trade upon local European storekeepers from whom they buy and to whom they sell any produce they may have. The distances some of these stores are away and the difficulties of transport, make their selling prices exorbitant in many cases. In consequence of this Natives are to be seen on their return from labour at Johannesburg and elsewhere, carrying huge bundles of merchandise bought for themselves and their friends at home. The thorough mending and repairing of many of the roads, and the change of conditions will tend to put the outlying stores on a better footing.

### IMPORTANT EVENTS.

The most noteworthy events of the year may be taken in the following order:—(1) The establishment of authority in the land after the war in the shape of Government Offices dealing with Natives; (2) the Arms and Ammunition Ordinance; and (3) the Tax Ordinance. With the first, order was established at once amongst the Natives in the District, many of whom had become unruly on account of the War. The Native Commissioner and five Sub-Commissioners exercised administration over the people. (2) Touching on the surrender of the arms and ammunition, the Chiefs and Indunas



deserve very great thanks, for through their help very little difficulty was experienced. The total number of arms surrendered in the District was 31,066. Since then a few have come to light and the possessors dealt with according to the circumstances; in each case, however, the gun was confiscated. Very few are still out, and any that are will from time to time come to light.

The disarmament has been as complete as the most optimistic could have wished, which tends to show the complete confidence placed by the Natives in the Government. The amount of compensation paid out for the surrendered arms amounted to £37,306 15s. 0d.

### TAXATION.

With the Taxation, too, the word of the Government was cheerfully obeyed. The collection commenced on the 1st April, and by the end of June the sum of £84,976 had been collected. The actual amount of Native Tax collected since the 1st April to date is £123,446. Most of the Natives had their money ready to pay when it became due, others only just began to think about going to earn it, which they invariably did, and returned a few months afterwards to hand over the amount of their tax.

Dog Tax amounting to £2,523 3s. 0d. has been paid by Natives.

### REMARKS IN GENERAL.

During the year under report, 20,892 travelling passes and passports were issued in the District. Practically all were to leave the District for the Mines and elsewhere. The Mines have not received as much labour from here as they might expect, but this is due to the fact that a large proportion of Natives belonging to the Tshangaana tribe living in this country seem to have an aversion to going to the Mines. This does not preclude them, however, from going to Pretoria and elsewhere for domestic and other service, and this they do in considerable numbers. This will in all probability be their vocation for the future. Most of the Natives recruited for the Mines are the Basuto and Bavenda tribes.

The past year's crops were below the lowest average yield, and in fact failed entirely in some parts of the District on account of the shortage of the rainfall. To meet this, imported mealies were bought up and sold in the District. The amount of revenue collected and credited to the office during the year amounted to £88,335 18s. 0d., whilst the expenditure for the same period came to £47,102 3s. 2d.

One of the chief heavy items of expenditure is that of Native police, but it is money well spent. With their services at our disposal we are able to communicate with all parts of the District at any time. The police watch as they go along and are very useful in checking the Native Taxes and arresting such as have not paid.

In collecting the tax, Sub-Commissioners visited convenient centres to which all the people within a reasonable radius would come to pay their money. This was considered necessary as it was placing a convenience in the Natives' way; gave the Sub-Commissioners a better opportunity of seeing the people in their true light, and deprived the latter of any excuse for not paying when the collector was close at hand to their kraals. That the Chiefs liked the collection to take place close to their Locations is shown by the manner in which they interested themselves in making the people pay up.

Amongst interesting natural phenomena may be mentioned the Saltpan at the Western extremity of the Zoutpansberg Range, from which the district derives its name. The hot sulphurous springs at the Ngelele and a large mountain lake, the Mndudze, which without any visible outlet feeds the Mtele stream miles below. A series of waterfalls in the Msunduzi River close to Sibasa afford a superb spectacle, and fully rewards the venturesome visitor who penetrates so far.

It is interesting to note that the Natives regard the Msunduzi as sacred, and the waterfalls the medium of communication with the Gods. A family of officiating priests dwell in the neighbourhood, and are the interpreters of the deities.

(Signed) C. A. WHEELWRIGHT,

Native Commissioner, Northern Division.

Pietersburg,

2nd January, 1904.

## ANNEXURE "B."

### EASTERN DIVISION.

#### POLITICAL.

I was appointed to the Native Affairs Department of the Transvaal from the Cape Civil Service on the 7th June, 1902, and took up my duties in Lydenburg on the 9th, July, 1902.

I assumed duties within five weeks of the Declaration of Peace. At the time the Natives were assembled in large numbers in Sekukuniland and Malakuti's Location and on private farms where they had gathered for purposes of self protection.