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THE JOHANNESBURG INSANITARY AREA IMPROVEMENT SCHEME COMMISSION
REPORT OF MARCH 1903.

A REVIEW BY DR. PATRICK R.B. LEWIS GIVEN AT A MEETING OF THE
JOHANNESBURG HISTORICAL SOCIETY ON 24TH JULY, 1973.

In 1966 I was asked by the University of the Witwatersrand to prepare a paper reviewing Johannesburg's administration of Bantu affairs since the early days. During the course of my research I became aware of the report of the Johannesburg Insanitary Area Improvement Scheme Commission. The relevance of this report to my investigations will appear later. I have also had access to the report of the work of the Town Council of Johannesburg for the period 8th May 1901 to 30th May 1903 and these two documents are the main sources of my information. Where was the Johannesburg insanitary area? It was the area to the west of Diagonal Street and later became the area we know as Newtown.

When Johannesburg was proclaimed in 1886 on the triangular farm Randjeslaagte the area of the town was 5 square miles. Commissioner Street from End Street to Diagonal Street was the base of the triangle and a point near the Berea Fire Station was the apex. This 5 square miles remained the municipal area of Johannesburg until 1901.

I would like to quote from the report of the Town Council :

"Until the 29th December 1887, the Government of the town was administered by the Mining Commissioner, but on that date, a Sanitary Board, or Gesondheidskomitee of nominated members held its first meeting under the chairmanship of the Mining Commissioner. The Government Commissioner and two other government nominees, one being the district surgeon, were also members. The Government Commissioner had control of all expenses and revenue. The Board was composed of 12 elected members sitting for two years, one half retiring every year. The Sanitary Board existed until the end of 1897 when a Stadsraad was constituted under Law IX of 1897. The Stadsraad consisted of a Burgermaster, appointed by the Government, and 12 elected members, four of whom were aldermen. The number of members were subsequently increased to 24.

on 1st Oct.

After the outbreak of war, in 1899, the administration of the town was conducted by a body of members too small to constitute a quorum, assisted by a few of the

permanent officials. During the war the mines had closed down. A large portion of the population had evacuated the town, buildings were boarded up. It had proved difficult to collect rates and sanitary charges, services were neglected and the town was in a run-down condition. In the balance sheet of the town in 1903, it reflected an insolvent position, the deficit being £171 125.

On the 31st May 1900, Lord Roberts entered Johannesburg and the administration of the town, both from a military and civil point of view, was placed under Colonel Colin MacKenzie in the capacity of Military Governor. This officer was assisted from June onwards by Major W.A.J. O'Meara, of the Royal Engineers in the capacity of Acting Burgermaster, a title which was afterwards altered to that of Acting Mayor. Major O'Meara carried out the municipal services of the town under difficult conditions, defraying expenses, partly by collecting from the population who for the most part were foreigners and who had remained during the war, the arrears due by them to the Stadsraad, partly from the charges made for sanitary services and lighting. These funds, however, proved inadequate for the purpose and accordingly representations were made to the civil government, but no definite step was taken to meet the deficiency until the arrival of Sir Alfred Milner in March 1901.

The municipal government of Johannesburg claimed a first place amongst the problems which presented themselves to the Administrator on his arrival in the country. It was evident at once that funds must be raised immediately from whatever source, and it was no less clear that the burden would fall sooner or later, upon the shoulders of the ratepayers themselves. Under these circumstances, the Government decided that the spending of this money must be entrusted to the hands of the local men representing local interests, who, while enjoying the confidence of their absent fellowtownsmen, would remain to justify to them on their return, whatever expenditure might be incurred. At this time the British population was, for the most part, serving in the field or exiled from their homes to the coast colonies. The circumstances of the time rendered the holding of elections impossible.

The utmost that the civil government could do was to ask the most representative men available to undertake the municipal administration of the town and the existence of the present Council is witness to the fact that men were found to accept that responsibility. The men who were called upon to serve on the Town Council, had been absent from the town since the outbreak of war, and as already stated, for almost a year the administration of the town had been in the hands of Major O'Meara. In order to form a link between the military regime and the new order of things about to be initiated, Major O'Meara was appointed Government Commissioner and it was provided that the Government Commissioner should be ex-officio Chairman of the Council.

The country was still under martial law, and Major O'Meara formed a link no less valuable with the military authorities who at that time, had complete control over the railways. The work of the Council owes much to the knowledge of local detail which in eleven months, Major O'Meara had added to his experience as an engineer, and to the far-seeing ideas foreshadowed in the report he drew up on the future administration of the town and to the readiness with which he won the confidence of the Town Council itself. The tact he displayed in tempering the conditions of martial law did much to smooth over difficulties and discomforts. Major O'Meara will always be remembered here as one who did eminent services in a time of stress and difficulty."

A list of the first members of the Council will be of interest. Mr. W. St. John Carr was the Deputy Chairman. Other members were Mr. W. Dalrymple, Mr. A. Epler, Mr. W. Hosken, Mr W.W. Hoy, Mr. H. Lindsay, Mr W.A. Martin, Mr. W. McCullum, Mr. W.H. Rogers, H.F.E. Pistorius, J.W. Quinn and R. Shanks. Later the Council was increased to 24.

In 1901 the municipal area was increased from 5 square miles and the suburbs incorporated in the town were Fordsburg, Mayfair, Vrededorp, Burghersdorp, Parktown, Hillbrow, Berea, Yeoville, Bellevue, Bellevue-East, Judiths Paarl, Lorentzville, Bertrams, Doornfontein, New Doornfontein, Troyeville, Belgravia, Jeppe Extension, City & Suburban. It was also agreed to appoint a Commission to recommend the increase in the boundaries so that the area occupied by the mines could be included in the town.

One of the purposes was to create an interest in the city amongst mining men of tried ability and experience. The Commission was appointed under chairmanship of Patrick Duncan who was then the Treasurer of the Transvaal. In November 1902, the area of the town was increased to $75\frac{1}{2}$ square miles and in 1903, to $81\frac{1}{2}$ square miles.

When the first Council took office, bubonic plague had already visited the coastal ports and Major O'Meara drew attention to the Coolie location to west of the brickfields area which was in a most insanitary condition. This was the area then to the West of Diagonal Street. Upon examination it proved that the brickfields area itself contained dangerous spots of insanitation and was laid out for the most part with narrow streets inconsistent with the thoroughfares to the east and west and on a chaotic plan which in itself made proper sanitation impossible. The greater part of the western traffic of Johannesburg had to force its way through a narrow neck to the south of this area. The evil was one which could only be cured by comprehensive measures and the Council had therefore to frame a scheme for the expropriation of an area of 188 acres in extent. The scheme involved the removal of nearly all the buildings existing on this area which, with few exceptions, consisted of wood and iron or raw brick and necessitated provision being made for the rehousing of the population which would be displaced. The main features of the proposed improvements were a continuing of Bree and Jeppe Streets, two of the principal thoroughfares, through the area from east to west; the proper drainage of the area and the relaying out of the land in large and regular blocks. The carrying out of these improvements would have the effect of enhancing the value of land to such a degree that the cost of the expropriation and reconstruction would be more than covered. These proposals were, however, the object of organised opposition and were eventually submitted to a Government Commission which took evidence during 18 sittings and before which a great number of persons interested in the property in the area, objected and appeared before the Commission. The Commission decided in favour of the Council's proposals but I'll tell you more of that later. The members of the Commission were Mr. C.A. Wentzel, who was then the chief magistrate for the Witwatersrand, Dr. Kendall Franks, Mr. H. Weldon, Mr. Richard Currie, Mr. Basil Williams and a Mr. C.G. Davison was the secretary.

This Commission was appointed in September 1902, and reported in March 1903. The Commission was appointed to inquire :

- firstly, whether the scheduled area or any part of it, was an insanitary condition and dangerous to public health,
- secondly, whether it was necessary in the public interest, to extend Bree, Jeppe, Kerk and Pritchard Streets through the said area,
- thirdly, whether it was desirable to spend money on improving the existing streets and roads in the area, or whether it was necessary to construct new streets and roads,
- fourthly, whether it was desirable that powers should be given to the Town Council to expropriate any of the land and buildings within the area for the purposes of putting the area in a sanitary condition, and for the purpose of continuing the four streets and for the purpose of constructing new streets and roads within the area.

The Commission was also asked to consider what Draft Ordinance would be necessary to pass to give effect to their recommendations.

The Commission felt it was necessary for them also to inquire into the financial aspects of the scheme and on what provisions should be made for the rehousing of the persons which would be expelled from the area in the event of expropriation.

There were a number of objectors to the scheme, 234 in number, representing owners of 563 stands. The grounds set forth by the objectors, were :

- (1) that this area was not insanitary,
- (2) that the new streets were not necessary,
- (3) that they objected to the method of valuation suggested,
- (4) that they objected to the methods of arbitration,
- (5) they did not agree with the Draft Ordinance which had been laid before them. Others felt that the flooding in Fordsburg was due to the Robinson reservoir, others felt that the alteration proposed to Hoofd Street would lengthen the distance to the railway station

at Braamfontein and cause steeper gradients; others felt that the time within which the expropriation was to be completed was inadequate, and they also objected to the powers of re-sale to be given to the Council.

The objectors were represented at the hearings by legal representatives.

A brief description of the area given in the report was :

"That it consisted of 172 acres on which were 1350 stands, owned by about 700 persons and having a population on the 12th August, 1902, of 5 651 people, of whom 1 811 were Whites.

The area to be investigated by the Committee was described as being situated to the west of and practically adjoining Johannesburg proper from which it was partly separated by a strip of railway ground and is bounded by railway ground to the north, by a portion of Fordsburg and the Robinson mine on the south.

A division of the grounds were - part was called the Brickfields, another part was the Coolie Location, then there was an area of Burghersdorp, a large plot in the middle of the ground of 27 acres was called Aaron's Ground. The Coolie Location was laid out in 1887, shortly after Johannesburg was started. The title at the time was a 99 years' lease subject to a monthly licence being paid. Aaron's Ground was originally a marshy bit of land fringed round by the brickmakers stands and was originally granted under a lease to a Mr. Barnard Vorster, the terms of which lease the Commissioners could not ascertain.

In their report the Commission state that one of the prime reasons for expropriating this area was the fear engendered in the mind of Major O'Meara, that bubonic plague which was then raging in Cape Town, might find its way to Johannesburg. Major O'Meara had called for reports on the area from Doctor MacKenzie who was the district surgeon and by the acting medical officer of health for Johannesburg and subsequently by Doctor Turner.

These reports accentuated the fears entertained by Major O'Meara and they condemned the area as being insanitary in unqualified terms. Dr. Mackenzie even went so far as to advocate the somewhat drastic measure of burning all the buildings on it. Dr. Porter was the medical officer of health and he was asked to describe the area.

His remarks were:-

"Well it almost passes description. It consists of congeries of narrow court-yards containing dilapidated and dirty tin huts without adequate means of lighting, and ventilation, huddled on area and constructed without any regard to sanitary conditions of any kind. In the middle of each slop-sodden and filth bestrewn yard, there is a well from which the people get their water supply and as in other places they choose this place for washing purposes, urinals and closets in one of the places being in the immediate vicinity. In one case, the closet is about 1 pace from the well".

Dr. Porter described the area as being as crowded as a rabbit warren. Mr. Forster led the evidence for the Council and in his introductory remarks he stated how the Brickfields area was originally brought into being.

In outlining the Council's Case Mr. Forster said:

"As soon as the town commenced to be laid out, people naturally commenced to make bricks, and the portion of the town that was assigned to the brickmakers by the Government, was that marshy piece of ground on the other side of the Braamfontein line which subsequently became known as the Brickfields and was assigned them because excellently suited for the purpose. The brickmakers were naturally of the poorest class and in order to assist them, the Government issued what was called brickmakers' licences, and I think these licences were given out until the latter end of 1886 or the beginning of 1887. The licences were peculiar in that they gave to the holder a licence to make bricks over any portion of the area and consequently there was

no delimitation of right as regards brickmaking, but he was, at the same time, permitted to occupy a portion of the ground for residential purposes. That was defined as a plot of 50 x 50. The immediate result of that was a large number of people went and dotted themselves down all over this ground without any regard for continuity or order, or the necessary arrangements for neighbours. The result was the brickfields became a large area dotted here and there promiscuously with little huts built of very poor and cheap material. Subsequently, when the town extended to the west, it became evident that something would have to be done as regards the brickfields and the Government ordered a survey of this particular part of the town in 1895. But the surveyor, who, I understand was Mr. Currie, was given instruction that as the Government had permitted these people to squat anywhere they wished in that portion of the town, he was to be guided by the situation of the houses and make his plans accordingly. The result was that the area presents an appearance of a network of streets, lanes and alleys, some of them leading nowhere, some of them wide, some of them short, some of them long, and all of them badly constructed which was brought about as I have already pointed out by the fact that these brickmakers huts had to be regarded. Previous to this, the Netherlands railway had obtained from the Government that portion of ground which separated the farm Randjeslaagte from the brickfields for railway purposes.

Years later, in 1898, the brickmakers licences could be exchanged for ordinary stand licences with the result that in nearly every case a brickmaker's licence was exchanged and the tenants of this particular part of the ground became owners of the stand in the same respects as owners of stands in other parts of town having 99 year leases. One of the problems was that the Mining Commissioner was dealing with this area which was then outside the jurisdiction of the Stadsraad. In addition to the brickfields there was the Coolie location which was on the north-west corner of the area adjacent to where Braamfontein station now is. This Coolie location was established in 1887.

In giving an analysis of the population of the area, it is divided into the following headings : Kaffirs, 2206; Cape 636; Indians 846; Malays 99; Chinese 53; Dutch

979; English 386; other Whites 446, giving a total of 5 651.

Evidence to the Commission was also given by a Dr. Sampson. He was asked - "Are you prepared to say the greater portion of this area as insanitary?" His reply was "Certainly". His reasons being that spread over the area in little dotted spots are conditions of filth which is difficult to describe and which, to his mind, made the whole area insanitary. He said that there were wells dotted about which are nothing more than cess pools. The ground was soaked with pollution of all sorts, the surface was covered with places which breed germs.

A Dr. Turner gave evidence stating that there were 17 acres of unhealthy and insanitary ground which were dotted about the place, and that you could not make the whole sanitary without adopting a general scheme.

One of the Council who appeared for the objectors was a Sir Wm. Marriott who had come from overseas especially to conduct the case. He was very sarcastic and soon was at loggerheads with the Commissioners. This is the sort of thing he said :

"Did you ever know of a trial without there being rules of procedure and so we may say the rules of procedure here dwell in the bosoms of the four Commissioners I see before me. Decisions with regard to acceptance of evidence would not stand the test of an appeal to any Superior Court."

Sir William Marriott was very wordy and verbose. On one occasion the Chairman said - "I am not a glutton for oratory." Sir William Marriott when dealing with the evidence of Dr. Charles Porter, the medical officer, said this -

"When I listen to that awful pronunciation of the insanitary area in which he conjured up horrors as to the specific effects it would have in the spread of disease, and also the dissemination of the plague, why, sir, if I had had my eyes shut, I should not have thought it was a medical man speaking, but the Archbishop of Canterbury, so doleful was his story."

At that time Lionel Curtis was the Town Clerk of Johannesburg. He was youthful but very able. And Sir William Marriott attacked his evidence just because he felt that a person of Lionel Curtis' age could not be regarded as being an authority.

Mr. Forster, as I told you, lead the evidence for the Council, and in one of the speeches he says this :-

"I wish Sir William Marriott was here as I do not like addressing my learned friend behind his back, but I wish to point out this, that Sir William Marriott has given us very nicely, and very modestly, not obtruding it upon us in any way, a sketch of his career, professional and otherwise. He has told us, and we have to believe it, that for the last 30 years there has scarcely been a compensation case of any note that he has not been connected with.

He has told us of his career in Egypt and has introduced us to many of his friends and given us a little more of their opinions on various subjects. Well of course, Sir William Marriott is a very modest man and it is an excessive modesty, I presume, that leads him to suppose that the great record of his career in Egypt, London and elsewhere has not preceeded him to our shores. But, Sir William Marriott, in giving us the sketch of his life, has admitted, no doubt from commendable modesty, one portion of his career, where I am sure he must have gained golden laurels and that is in the Old Bailey. Because he has followed the traditions of that classic home of forensic eloquence and he knows that one of the principles of the Central Criminal Court is when you have a bad case, avoid facts but abuse the policeman. Sir William Marriott has kept that tradition."

Sir William Marriott promised to bring before the Commission witnesses which would disprove the Council's case.

In another portion of Mr. Forster's address he says:-

"Still the mountain continued to rumble. And if ever there was a mountain in labour it was that mountain. Well then they were permitted to bring their evidence, we expected, as I say, an army of medical men to come forward. We on our side formed a square, fixed bayonets and waited for the charge of a squadron of medical men. And the mountain rumbled on - and out popped Dr. Johnson a medical officer of health of Umtata. He was a bacteriologist. Umtata is in the Transkei, a town of 2000 inhabitants.

Well they produced their little mouse.

They put it on the table and it frisked about and enjoyed itself thoroughly, and hid itself in sheaves of paper and peeped around corners of big reports and generally conducted itself as is the habit of mice when their natural enemy, the cat, is otherwise employed. It did it perfectly safely for if Dr. Porter and Dr. Turner will allow me the simile, the cats that could have shown up this wretched little mouse, were safely employed on other business. That little mouse unfortunately had been fed more for exhibition than for work. It had been fed on the green food of presumption and on presumption alone. And when it had to attack something bigger, it absolutely failed. And if I can say so without offence, I would say that the biggest piece of presumption that it was guilty of, was backing itself against opinions of men of professional reputation of Dr. Turner and Dr. Porter. Why Dr. Turner and Dr. Porter have passed through a hard apprenticeship and were in charge of large English cities when Dr. Johnson was scraping together a little superficial knowledge at Umtata in the Transkei, a town with 2 000 inhabitants. Now then, what does he tell us? My learned friend Sir William Marriott has stated amongst the many pearls that have fallen from his lips that an ounce of fact is worth a pound of opinion. I would like to slightly alter that and say an ounce of fact is worth a pound of presumption. But I will take Dr. Johnson as he is here, for what I find him and I find that after all he does not tell us very much. He gives us some very interesting information concerning wells and his remarks regarding the contamination of the soil must be listened to I presume with respect. He tells us he admits that the wells are contaminated, qualifying that by saying they are contaminated in the remaining part of the town as well."

The findings of the Commission were that it was desirable that the area be expropriated. A small portion of the area originally suggested, however, was omitted from the final scheme. It is also agreed that it was advisable that the area be re-laid out, that streets such as Bree Street, Jeppe Street, Kerk Street, President Street and Pritchard should have continuity, and that it was advisable that the whole area

be re-laid out and proper facilities installed. In the plans a portion of the area was suggested as being a suitable area for a market. The plan was to remove the market from the Market Square which was in the centre of the town.

With regard to the rehousing of the people who were living in the area, Section 84 of the report reads -

"We agree that all Kaffirs, should be relegated to the Kaffir location. The question of the Coolies is one of more difficulty. No definite scheme for their rehousing has been submitted, but we have gathered from the evidence that it is intended to move them to a new location situated at some distance from the present location. It has been conceded on their behalf that this inflicts a considerable hardship on them and as a large number of them are engaged in the town itself as waiters, and their removal further from the scene of their daily avocations, is an injustice. We are, however, decidedly of opinion that in view of the future use of the area to be expropriated, it would be highly undesirable to locate them on it and we think that no other course is open but to lay out for them a fresh location in a spot as accessible as possible."

Paragraph 85 reads -

"Mr. Balfour, their counsel, has pointed out to us that notwithstanding the provisions of this law prohibiting Asiatics from becoming owners of land and property, the Government vested owners of land in the Coolie location with a title which he contends is identical with that of any other government stand and which enables them to mortgage and alienate. As a matter of practice, the alienations have only been to other Asiatics but he contends that an "ex facie", the title, there is no restriction on alienation. He urges therefore, ~~that~~ even if compensation is paid to them for the land expropriated, they will be in a worse position than the other inhabitants of the area as they will be unable to acquire a landed property elsewhere."

The Commissioners felt that there was some force in this contention and they offered the suggestion that if it is possible they will be enabled to hold land in a fresh location on the same terms as they have in the existing one. They, however,

recognised that the whole question is one of future legislation involving important issues and they did not wish to enter this as they felt it would exceed their terms of reference.

The Council in their evidence, submitted that the financial aspects of the scheme would be - that the land would cost approximately £1 056 000 the cost of roads in excess of what the costs would be if the present roads were put in order, would be £40 000, damages for trade disturbances would be £100 000 and interest for one year £47 840, a total of £1 243 840.

I have endeavoured to ascertain what the final costs were. In the balance sheet of the Council in 1904 it states the expenditure to that date was claimants £959 464, the costs of the Commission being £3 007, the taxed cost of arbitration £15 745, legal advice and counsel's fees £3 383, the total of £974 929. In the balance sheet in 1917 the total cost is reflected as £1 204 703. When the ground was re-laid out there were 569 plots. 85 were occupied by municipal departments, 83 were let to private persons, 19 were John Ware Park, 7 plots were for railway purposes, 15 for schools, 2 for connecting roads, 212 plots had been sold on lease and 146 plots were vacant. The average cost per acre was £9 700.

There was an outbreak of bubonic plague in the Coolie location on the 19th March, 1904. All the inhabitants were removed from the area, the Kaffirs, as they were then called, were removed to the Klipspruit area which was eventually to be called Pimville. The total number of cases of bubonic plague on the Witwatersrand were 25 White persons of which 12 proved fatal, the Black population 98, of whom 73 proved fatal. It was stated that the greatest number of cases were amongst Indians.

In looking at some of the other statistics of that time, in giving the causes of death in 1904, it is stated that 313 were from diarrhoea and dysentery, of whom 207 were children under the age of 1. Cases of pneumonia were 171. Amongst the Coloured population 762 died of pneumonia and 316 of diarrhoea and dysentery.

In the report of the Town Council for the year ending 1904 this paragraph appears.

"The question has been constantly under the consideration of the public health committee during the year regarding locations and was one beset with difficulty and opposition at every turn. The Council was beset on the one hand by the Government's reluctance to sanction the removal of the Indians outside the town, and on the other by the most strenuous opposition by neighbouring White residents to every other proposal to remove them to any other site within the municipal area."

Other general information which may be of interest is that on the 3rd December 1903, the first elected Council took office. W. St. John Carr, who had been the Deputy Chairman of the first Council, was elected the Mayor and Mr George Henry Goch, the Deputy Mayor. At that time there were 22 348 voters on the roll. The population of Johannesburg at that time was Europeans 61 780, people of other races 47 672, a total of 109 452. In 1904 the population had increased, the European male population being 52 000 odd, females 32 000, a total of 84 000, Natives - males 58 000, females 4 000, a total of 62 000 and other non-Whites were males 8 470, females 3 684, the total of 12 154. The total population of the town being 158 580. It was estimated that the number of natives working on the mines was 27 000.

In the report on the activities of the Council many other statistics are given such as :

"In August 1903 they employed an expert rat catcher, who had a staff of 2 Whites and 3 Blacks. Between the 10th August 1903 and 30th June 1904, they caught 15 826 rats. Other organisations also caught rats. On the 22nd December 1902, a resolution had been passed offering 3 pence per head for any rats collected and delivered. In ^{the} 1904 budget, figures are given of some other salaries that had been paid. The Manager of the municipal transport system got £1 600 a year. The Chief Clerk got £420, the Pound Master £300, the rat catcher £270, the M.O.H. £2 000, the Chief Health Inspector £360, the Superintendent of Parks £550. The Coolies working in the parks were paid £4 per month. The Chief Fire Officer got £720. The Town Clerk £1 500. The Deputy Town Clerk £800, the Accountant £480. It was on the 7th October 1902

that the Government made over to the town the 274 acres to form Milner Park.

It was in May 1903 that the Rand Water Board was incorporated. On the 5th August 1903, the 200 acres of the Sasshenwald were given to the city by Herman Eckstein."

I think the most priceless letter of all was a letter written to the Town Clerk on 24th February 1902 by the Transvaal Government, which stated :

"As soon as possible, the preparation of plans will be put in hand for the ultimate removal of the prison to another site."

I hope you will have ascertained the link between the lecture of 1966 with the report of the Insanitary Area Commission. I had set out to find out how the Bantu people were moved to what we know as the Pimville site. In finding this out I became interested in the Commission's investigations, and I hope you will have found it as interesting as I did.

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