

Conference of Native Commissioners.

Dahhuaner

Resolved that sections 3, 4, 5, and 6 of Law No 21/1895 be strictly enforced.

Mr. Faber proposed as an amendment to sec 8 part 2. - instead of "any coloured person" read "any coloured person, owner or tenant."

Seconded by Captain Schalefield.

Resolved that Mr. Faber's proposal be adopted.

Resolved that in connection with Law No 21/1895 sec 7, the attached agreement be put in as a schedule to the Law.

Resolved that Article 7 of Law No 21/1895 be amended as follows: -

Every owner, leasee or Bywoner shall be required to draw up a written Agreement with the Natives residing on his farm, or portion of farm, such Agreement to be registered in the office of the Native Commr, Sub. Nat Commr, or R.M. of his District, & to be in the form of Schedule "A" attached hereto.

Resolved that the following additional article be added to this Law.

"For the purpose of this Law each married male Native constitutes a head of a family".

Resolved that contraventions of Law No 21/1895 be added to the Schedule of Law No 4/1885.

Resolved that that sec 9 be amended as follows: - "On farms ~~owned~~<sup>owned</sup> or ~~leased~~<sup>leased</sup> by Natives, as well as on farms belonging to white persons, a number of families not exceeding five shall be allowed, except with the express consent of Govt acting on the proposal of the official concerned."

Resolved that the following be proposed for the consideration of the Govt. with regard to the settlement of the Land question.

(1) From all Govt. land or block of farms set aside for Native purposes, after due provision has been made for erecting dwelling houses or huts, and for ground for pasturage & commonage - such provisions ~~such~~ to be not less than in the proportion of 30 morgen ~~of 30 morgen~~ to every household, - there be surveyed, from the arable land, allotments of about 4 morgen each family.

(2) All allotments to be held under certificates, to be subsequently confirmed by special registered title deeds, such certificates & title deeds to ~~specify~~ specifically state conditions of tenure, such as inability of holders to mortgage, sub-divide or sub-let land, or pledge his interest therein, reservation by Govt. of x mineral rights; no alienation or transfer of land to be made without consent of Govt. &c, &c.

(3) All costs of survey of allotments to be borne by the registered holders thereof, payable by instalments. Certificates to be issued free.

(4) A perpetual quit Rent of £5 per allotment be payable annually by each registered holder, provided that four-fifths of such quit Rent shall be remitted to any registered holder who shall, at the date when such quit Rent becomes due, produce certificate to the effect that he & all able-bodied male natives residing with him each has, during the preceding twelve months, completed at

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least four months continuous labour for some bona-fide employer outside the boundaries of the Location.

(5) Hereditary and appointed Chief to be permitted each to select a 30 morgen allotment & no other native, except under very special circumstances & with the consent of the Comm. for Native Affairs to be permitted to hold more than one registered allotment.

Resolved that:-

"If the general scheme suggested by the Conference be accepted by the Govt. the Nat. Comm. be called together to submit a draft Law & regulations in detail."

Question of Polygamy.

Resolved by the Chairman & Messrs. Sniffith, Scholfield & Taber:-

"That it is inexpedient at the present time not to entertain Lobola cases, & that the gradual increase and appreciation of marriage by natives under Law No 3 of 1897 & the Tax Ordinance, together with the suggested Native Land Settlement scheme, which militates against the advantages attainable through Polygamy, go as far as is possible at present to combat the evil."

Mr. Wheelwright expressed his opinion on the subject as follows:-

"I understand sec 2 of Law 4/1885 & the Circular issued by the Supt. Nat. Affairs to have been aimed at ~~the~~ defeating the prosecution of Lobola cases, in the Courts of Native Comm. Any marriages contracted by Lobola were not recognised - in fact the State recognised

no Native marriages until the Law NO 3/1897 was promulgated. It would be a pity now, I maintain, to go back by observing Native marriages other than those contracted under the Marriage Law; if we do we must sanction Lobola & Polygamy, which two are almost inseparable.

It is a serious question that there should be no control over the ordinary Native marriages, but that should not be allowed to stand in the way of ~~the~~ our carrying on the Law as it stands at present. The question of Lobola has its advantages, but its disadvantages are greater, and the question of Polygamy is bound as time goes on to right itself."

Question of raising the Native Standard, Social Condition of Natives.

Resolved, "That the main principle of raising the Native Standard is firstly by State aided and controlled education & teaching of handicrafts.

That the suggested Native Land Scheme will tend to make the Native improve his social condition, & will induce even the educated Natives to continue to seek labour."

Registration or census.

Resolved that the registration or census be taken at the time of the collection of Native Tax.

Surrendered arms.

That if any unsurrendered arms remain in the hands of Natives they do not exceed 3%.

Native Labour.

Resolved:-

"While sympathising with the efforts made -

made by the W.N.L.A. to solve the Labour question, as affecting the great Mining Industry. We consider that the prohibition of choice by the native as to where he shall work, seriously affects the possible supply & seriously affects recruiting for the Mines, & we suggest that natives be permitted for the sake of their choice."

Mr Zuber also gave it his opinion: that Licensed Agents be permitted to recruit for individual Mines, all natives so recruited to be registered as heretofore before being employed.

The passport system will combat the ~~system~~ evils formerly experienced under the Louing system. All Colts to be paid their Capitation through the W.N.L.A. which will prevent competition.

Uniformity of treatment will very soon be brought about by doing away with proscription of choice. Govt should not support a system which interferes with natives liberty of choice.

### Passes.

Proposed by Capt Scholfield Secd by Mr Zuber & resolved:-

That Sec 23 of Proc No 38/1901 be amended as follows:-

"To pay a fine not exceeding £500, & in default of payment, to imprisonment with or without hard labour for any period not exceeding six months, or to both such fine & imprisonment.

Resolved that natives chiefs be allowed to issue passes to natives travelling in their Districts.

Issue of Passes by S.A.C.

Resolved:-

That ~~issue~~ S.A.C Pass

Issuers be appointed by Govt in such places as are recommended by nat. Commr."

Resolved:-

"That the words "duration of" be added to the 2<sup>nd</sup> Para of Sec 3. Sched A Genl Pass Regulations after the words "date when"

Resolved:-

That Sec 4 of Sched A of Genl Pass Regulations be amended & read as follows:- Any Native within this Colony who desires to go & work or seek work at any place other than within a Labour Dist shall obtain an Official Travelling work Pass free of charge & any native who desires to go beyond the Dist in which he resides on his own business or that of his employer shall obtain an Official Travelling Pass in the form hereto annexed and marked S. G. on which he shall pay the sum of 1/-"

Resolved

"That sub-Sec (D) Sec 10 Sched "A," Genl Pass Reg<sup>ns</sup>, be amended and read as follows

" Any native in the employ of and travelling in the company of a European Master or Mistress residing in the Transvaal, & any native travelling in the company of a European Master or Mistress coming into the Transvaal, provided that in the latter case this exemption shall in each case extend to not more than 3 natives."

Resolved that Sec 14 Sched "A"

Proc No 37/1901 read as follows:-

"If a Pass officer shall refuse to issue or endorse a Pass, he shall report such refusal to the N. C. or if there be no N. C. to the P. In. of the Dist; who shall direct the Pass officer to issue the said Pass or not as he shall deem fit."

Resolved:

"That the following be added to sub. sec (1) sec 2 of Proc N 38/1901:-

"This definition does not prohibit any employer, from engaging any number of boys who may offer themselves to him for labour at his own premises or works."

Resolved.

"That sec 16 of Proc N 38/1901 as it now stands be deleted & the following be substituted:- "All employers of Labour agents shall be obliged within one month of such employment to register their names & addresses at the office of the Commr for N. A. & lists of such employers & Labour Agents shall from time to time be published in the Gazette"

Resolved.

"That the following be added to sec 23 of Proc 38/1901:- and such convicted persons shall have no further claim on the natives thus irregularly recruited, either as regards their services or repayment of any of his expenses & such natives shall be at liberty to whomsoever they please.

Collection of Taxes where there are no tr. C.

Resolved:

"That in consideration of the near approach of the collection of Hut Tax for the current year, the Resident Magistrate be requested to collect the tax in wells where there are at present no representatives of this Dept. but that steps be taken to ensure the collection of the tax in future years by some representative of the N.A. Dept.



Native signing documents.

Resolved.

"That with regard to native signing documents something in the lines of sec 8 of the Natal Law N 44/1887. be put in force in the Transvaal."

Resolved: that the pay of native Police be:

Pay & rations for native Police. Sergeants £5: Corporals £4.10/ & Privates £4. with a 1/2 a day each in lieu of rations.

Resolved that quarters be provided for native Police attached native Commrs of Sub. Nat. Com. living in or near a town.

clothing for native Police.

Resolved that the following annual supply of clothing be issued to native Police:—

- 1 Blue serge jacket.
- 1 Pair Blue serge Knee Breeches.
- 1 Brown Corduroy Tunic.
- 1 Pair " Breeches.
- 1 Duck Tunic.
- 2 Pair duck Breeches.
- 1 Brown leather Belt
- 1 Blue serge Forage Cap.
- 1 Brown Squasher Hat.
- 2 Blankets (8.5)
- 1 Blue Jersey.
- 2 Pairs Blue Puttees.
- 2 " Ammunition Boots.

Setts of wd Chevrons complete.

also 1 overcoat with Cape (Infantry pattern) to be supplied every 2 years.

Resolved that Govt be asked to pass an Ordinance legalising the suggested Rules & Regulations governing native constables attached to the Nat. Dept; & that all fines and punishments

inflicted in these regulations to be recoverable in the courts of Nat. Commr under Ord 3/1902.

### Suggested Rules & Regulations

1. The Laws in force, & these Regulations where they apply to the Native Branch, must be interpreted from time to time to the Native Police in the presence of the Nat. Commr. or the Sub. Nat. Commr.

2. Every Native Policeman should understand that he may be required at any time to put aside his uniform for the purpose of detective work, & he should be led to hope for reward and promotion by zeal and ability.

3. The natives will be supplied with arm badges, on which will be shown the No of the wearer. on discharge from the Force the natives must return these badges to store.

4. The Native Police may be specially enlisted for a period of 6 months, but, if possible they should be induced to join for a period of 3 years, & upon discharge each Native Constable will receive a discharge filled in and signed by the T. C. or Sub. N. C. which must be produced if the native applies to rejoin, also, when a native serves as substitute for another Native Constable for any period he must be sworn into the Force i.e. sign an agreement in the usual way.

5. Native Policemen obtaining leave of absence must also be provided with passes, & must not take any article of their clothing or equipment with them, & in case of leaving the Colony the Pass Law Regulations must be complied with.

6. The periods for which leave may be

granted as follows:-

Seven days in each 6 months on full pay for any period without ~~full~~ pay, not exceeding 6 months, upon application to the G. C. and upon their providing a substitute, except under special circumstances to be decided by Govt.

If any man fails to take leave as herein provided, the leave lapses & cannot be claimed at any subsequent period, with the exception that any member of the Force who has served 3 years may be granted the full number of days of lapsed leave at any time, on full pay, provided the exigencies of the service permit of his absence, and the period of leave so granted may in no case exceed 3 months on full pay.

NOTE. In cases where a member of the Force is absent from his duty through illness or other pressing necessity, he will if such period of absence exceed 21 days forfeit his claim to privilege leave, except under exceptional circumstances which may be taken into consideration.

7. Native Police will carry knobkerries but when escorting prisoners will carry a spear.

8. Policemen are authorised <sup>& required</sup> to arrest every native who shall commit any crime or breach of the peace, in their presence, as also every native whom they shall have reasonable grounds <sup>to</sup> suspect of having committed any murder, culpable homicide, rape, robbery, or assault with intent to commit any of these crimes, or in which a dangerous wound is given, arson, house-breaking with intent to commit any crime, or theft of any cattle, sheep, goats, or any other crime of equal degree of guilt with any of the crimes aforesaid, as also every native

whom they shall see committing any offence, or whom they shall find attempting a crime, or clearly manifesting an attempt to do so,

9. Re-engaged natives may obtain their discharge at any time by giving one month's notice, or upon payment of £1 in lieu thereof.

10. The uniforms of all ranks shall be as follows & no deviation from the regulation pattern will be allowed.

An annual supply of:—

- 1 Blue serge jacket
- 1 Pair Blue serge knee Breeches.
- 1 Brown corduroy Tunic.
- 1 Pair Brown corduroy Breeches
- 1 Duck Tunic.
- 2 Pairs Duck Breeches.
- 1 Brown leather Belt.
- 1 Blue serge forage Cap.
- 1 Brown Squasher Hat.
- 2 Blankets. (G.S.)
- 1 Blue jersey.
- 2 Pairs Blue Puttees
- 2 . . . Ammunition Boots.

Sets of Red chevrons complete,

also 1 overcoat with Cape (Infantry Pattern) to be supplied every 2 years.

11. When a Native Policeman is discharged from the force he must not be allowed to take any article of Govt clothing with him. His clothing & equipment must be retained & shown in the Dist Equipment Book until issued to another man.

12. Dress for inspections, duties & parades.

Full dress Blue or white jumpers, blue or white pants, forage cap, belt. To be worn on

parades in the neighbourhood of the Station & on escort duty.

Patrol Dress. Corduroy tunic or blue jersey, corduroy pants, forage cap, belt. When on patrol or escort duty the great coat blanket & spare pants if necessary will be rolled together & slung over the shoulder.

Fatigue Dress. Blue jersey and corduroy pants. To be worn when off duty & when about barrack or camp.

13. Handcuffs will be supplied to every Native ~~Constable~~, Policeman, & must be carried by him slung to his waist belt when on duty, patrol &c. & must be shown at all inspections.

14. Officers in charge of Districts or Detachments must from time to time cause the regulations to be carefully explained to the Police, more especially the paragraphs arrests and the safe custody of prisoners, & must be particular that they clearly understand that no undue violence is to be used towards prisoners.

15. Native Policemen or Detectives should be enlisted for 3 years if possible, & must be taken before a Native Commr or Sub. N.C. to be sworn in, in order to have the term of enlistment, rates of pay, etc properly explained to them. This of course applies to regular Native Policemen, or their substitutes, or Detectives enlisted for service in the Force, not to Detectives otherwise engaged in special cases.

16. When an escort is conducting prisoners the duties & responsibilities should be explained to the men before leaving. Unless in case of necessity the escort should avoid sleeping in

## Native Kraals.

17. The rates of pay for Native Police are as follows.

Sergeants	£ 5 per month.
Corporals	£ 4.10/ " "
Constables	£ 4. " "

18. The rations drawn by Native Constables is as follows; in lieu of which a Native Constable shall be allowed a shilling a day.

1½ lbs of meal per diem	
1 lb " meat " "	
½ oz " salt " "	
2 lbs " firewood " "	

Firewood to be supplied only to those Constables who are stationed in towns & who are unable to procure fuel for themselves.

19. Native Police must be paid in cash & the person under whose immediate control they act, should witness the payments made to them & sign the pay sheets.

20. Native Police must at all times be properly dressed in uniform, except when employed on detective duty and the wearing of ornaments or beads is forbidden except by special permission.

21. Native Police must salute in accordance with instructions given from time to time.

Offences under <sup>the</sup> ordinance,

Striking, using or offering violence to his superior officer.

Causing, or conspiring with anybody to cause any mutiny,

Wilfully disobeying the lawful command of his superior officer.

Deserting or attempting to desert, or persuading or assisting any other person subject to this ordinance to desert from the Native Police force.

Using threatening or insubordinate language to his superior officers,

Without orders wilfully destroying or damaging any property,

Being concerned in any quarrel or disorder, refusing to obey any officer (though of inferior rank) who orders him into arrest, or offering any violence to such officer,

Absenting himself without leave.

Being drunk, whether on duty or not on duty.

Making away with, losing by neglect or wilfully injuring his equipment, or that of any other person subject to this ordinance, or illtreating a horse or any other animal used in the Public service.

Resisting or offering violence to any officer whether subject to this ordinance or not, in whose custody he is placed, or resisting an escort whose duty it is to <sup>apprehend</sup> ~~arrest~~ him, or have him in charge

Escaping or attempting to escape from custody

Releasing or permitting to escape from custody any person over whom it is his duty to keep guard.

In any report which it is his duty to make, knowingly making or being privy to the making of any false or fraudulent statement, or of any omission to with intent to defraud.

Being guilty of any act conduct disorder or neglect to the prejudice of good order & discipline

Prospecting on Native Locations.

Resolved that all native locations whether granted by Govt or purchased by natives, be not shut off from prospecting, & that any monies derived from such prospecting or from the discovery of precious metals be devoted for the purpose of obtaining other ground for Native Locations, the requirements of the tribe affected

in each case having prior consideration  
Store Licences in Locations

Resolved that no store or Trading Licence be issued in native locations and farms owned by natives without the consent of the Native Commr of the Dist. & that before a renewal of this Licence the permission of the h. c. of the Dist be first had and obtained.

Allowance to Chiefs & Headmen

Resolved that the subsidizing of Native chiefs and Headmen is approved, but that the question of amount be left to a future date.

Erection of Houses & Offices for Native Commr

Resolved that the Commr for h. a. be requested to expedite the building of houses and offices for h. c. & to arrange with the Director of P. Works. for immediately submitting the building of such houses & offices to local contract.

Accommodation for Clerks of h. c.

Capt Scholfield & Mr. Griffith expressed their opinion that accommodation should be provided for clerks of h. c., as they do not come under the £300 of sub. h. c.

Appointment of h. c. as J. Ps for the whole of the Transvaal.

Resolved that the Commr for h. a. be requested to appoint h. c. J. Ps for the whole of the Transvaal  
Goods taken from natives during the war.

Resolved that the Commr for h. a. be requested to make arrangements for the redemption of receipts issued by the S. a. c. for goods taken from natives during the war.

Court Fees

Resolved that it is desirable that the Court Fees in the courts of h. c. be the same



as in the ~~Revenue~~ ~~Office~~ Courts.

Jurisdiction of H. C.

Resolved that it be recommended that the jurisdiction of H. C. be extended to £20 & 6 months' imprisonment with, or without hard labour.

Resolved that it be recommended that the jurisdiction conferred on Landreoti Training Commrs &c by Law 2/1894. be extended to H.C. & S.C.

Deletion of clause 4 of Law 4/1891

Resolved that clause 4 of Law 4/1891 be deleted.

Issue of Letters of appointment to Sub. H.C.

Resolved that it be recommended that the position of H.C. & other officers by their being gazetted and each Commr. receiving a Letter of Appointment stating the terms, &c, under which he <sup>is employed</sup> has been appointed.

Native Estates

Resolved that all Native Estates whatsoever whether of natives lawfully married under Law No 3 of 1897. or married according to Native Custom. be administered by the H. A. Dept. & as far as possible the present system of securing minors shares until they become of age be done away with as it is one that is not adaptable to the condition of life amongst natives.

All moneys in respect Native Estates be handed over to the Master of the Supreme Court. to be administered with other decedent moneys in his charge.

Reduction of Marriage Fees.

Resolved that the Commr for H. A. be requested, to have the present marriage fees of £3 reduced to 10/-.

Invalid Native Marriages.

Resolved that in order to validate marriages solemnized by clergyman & Ministers of the Gospel of recognized Denominations before Law No 3/1897 came into operation, any future ordinance passed in the Transvaal contain the provisions of Sec 31-38 of the Marriage-order-in-council of the Cape Colony dated 7 Sept. 1838.

Resolved that the powers conferred by Sec 36 of Proc N 20/02 be extended to h. Co & s. u. Co.

Schedule A.Schedule of Agreement.

Agreement entered into between -----  
 ----- of the farm ----- No. ----- in district  
 of ----- and natives -----  
 resident upon the farm ----- No -----  
 situated in the district of -----  
 in terms of act NO 8 of Law No ----- of 190  
 I ----- of the farm -----  
 No ----- situated in the district of -----  
 with ~~the~~ do hereby agree:

1. That I will provide the Natives -----  
 with their families who are resident on  
 my farm ----- No -----, with sufficient  
 land for cultivation & pasturage for the  
 grazing of their own bona-fide stock.
2. That I will allow the said natives -----  
 ----- to erect houses or huts which they may  
 require for themselves & their families on such  
 part of my farm as I may point out.
3. That I will allow the said -----  
 ----- to see & ~~use~~ whatever labour they may wish  
 outside the farm.

to have sufficient wood for the immediate wants of themselves & their families, but I forbid that any wood be removed from my farm without my special permission.

? fuel

4. That I will allow the said -----  
----- to seek whatever labour they wish outside the farm ----- provided that the said ----- have completed their yearly service which they had bound themselves to perform.

5. That I will pay the said ----- at the rate of ----- per month for any service which the said ----- may perform for me over and beyond the yearly labour which they have bound themselves to perform.

6. That I will give at least 3 full months notice to the said ----- should I require them to depart from the farm. ----- & will allow them to reap what crops may be in the ground at the time I give such notice, but I forbid that any immovable property be removed by the said ----- unless I give permission.

? wife

We ----- in return for the above privileges rendered by ----- do agree,

1. That we will perform for -----  
----- Lessee, tenant, or Byreowner -----  
months work, in each year at such a time and place as may be by him required, provided that such labour shall not be required for other purposes than work such as is connected with said farm, ----- or any other

**Collection no: A1655**

**Collection: HUNT, Donald Papers**

***PUBLISHER:***

*Publisher:- Historical Papers, The Library, University of the Witwatersrand*

*Location:- Johannesburg*

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