Cape of Good Hope

House

Select Committee on Location Act

Report

1906
CAPE OF GOOD HOPE.

REPORT

OF THE

SELECT COMMITTEE

ON

LOCATION ACT.

Printed by Order of the House of Assembly.
AUGUST, 1906.

CAPE TOWN:
CAPE TIMES LIMITED, KEEROM STREET.
1906.
ORDERS OF THE HOUSE.

26th June, 1906.

Ordered: That a Select Committee be appointed to inquire into and report upon the working of the Location Act: the Committee to have power to take evidence and call for papers.

Ordered: That the Committee consist of nine members and that the Attorney-General, Messrs. Niland, M. J. du Plessis, Vosloo, Abrahamson, Col. Warren and Mr. Thomas be members of the Committee.

28th June, 1906.

Ordered: That Messrs. A. S. du Plessis and Maasdorp be members of the Committee.
REPORT

OF THE

SELECT COMMITTEE appointed by Order of the House of Assembly, dated the 26th and 28th June 1906, to inquire into and report upon the working of the Location Act; the Committee to have power to take evidence and call for papers, and to consist of the ATTORNEY-GENERAL, Messrs. NILAND, M. J. DU PLESSIS, Vosloo, ABRAHAMSON, Col. WARREN, Messrs. THOMAS, A. S. DU PLESSIS and MAASDORP.

Your Committee, having considered the evidence brought before them, beg to report as follows:

(1). They are of opinion that legislation dealing with the subject of native locations on private property is required, as it would appear that the present provisions of the law dealing with the subject have not had the effect of checking the evil of squatting or minimizing the invasion and settlement of natives on private lands within the Colony. The points on which your Committee consider legislation desirable are the following:

(2). Provision should be made for leaving entirely in the hands of the Divisional Council interested, the matter of deciding as to the number of native male adults other than those in bona fide and continuous employment who may be required for the due working of any private property, a matter which under the present law is decided in the first instance by the inspector and is subject to the appeal to the Location Board. The necessity for a Location Board would then cease.
(3). Some means should be devised for rendering the application of section 10 of the present law (Act 30 of 1899) to some extent, subject to the control and decision of the Divisional Council. This section deals with the exemption of natives, who are lessees of property, from the provisions of the law, and the Divisional Council should be given power to decide what number of such natives shall be allowed to take advantage of this provision of the Act, or in some other way to take steps to see that undue advantage is not taken thereof.

(4). It would be of great benefit to the proper carrying out of the provisions of the Location laws if the Divisional Council were required to send in to the Civil Commissioner, from time to time, lists of the number of private locations in the division, with the number and names of the native male adults residing in them. Provision could then be made for giving these lists authority in Courts of Law so that such natives as may be found in a private location and whose names do not appear on the list relating to such location shall be deemed to have been there contrary to law.

(5). In conclusion, it would be as well that, in any law dealing with the above subjects, there should be provision that any Divisional Councillor who shall be interested in any question relating to private locations which may come before the Council, shall not have a vote thereon.

W. J. WARREN,
Chairman.

Committee Rooms,
House of Assembly,
27th July, 1906.
RAPPORT
VAN HET

Uw Comité heeft de ingewonnen getuigenis overwogen en wenscht te rapporteren als volgt:—

(1) Zij is van opinie dat wetgeving handelende met Naturellen Locaties op private eigendom noodig is, daar het schijnt dat de wet hieromtrent, zooals zij thans is, niet het effekt gehad heeft van het kwaad van plakken tegen te houden, noch het instroomen en nederzetten van Naturellen op private gronden binnen deze Kolonie tegengehouden heeft. De punten waarop uw Comité wetgeving wenschelijk beschouwt zijn de volgende:—

(2) Voorziening behoort gemaakt te worden voor geheel-en-al aan den betrokken Afdeeldings Raad over te laten de kwestie van te beslissen omtrent het getal mannelijke naturellen volwassenen, behalve degenen in bona fide en onafgebroken werk, die noodig mogen zijn voor het bewerken van eenig privaat eigendom—een zaak die
onder de tegenwoordige wet beslist wordt in het eerste geval door den Inspecteur en dan onderworpen is aan een appèl naar het Locatie Bestuur. De noodzakelijkheid van een Locatie Bestuur zou dan niet meer bestaan.

(3) Een of ander middel behoort uitgedacht te worden om de toepassing van Artikel 10 van de tegenwoordige Wet (Wet No. 30 van 1899) in zekere mate onderworpen te maken aan het beheer en beslissing van den Afdeelings Raad. Dit Artikel handelt met de vrijstelling van Naturellen, die huurders zijn van eigendom, van de bepalingen van deze Wet; en aan den Afdeelings Raad behoort de macht gegeven te worden om te beslissen hoeveel zoodanige naturellen toegelaten zullen worden om van deze bepaling van de Wet gebruik te maken, of om op een of andere wijze stappen te nemen om te zien dat onbehoorlijk gebruik niet daarvan gemaakt wordt.

(4) Het zou van groote hulp zijn voor het behoorlijk uitvoeren van de Locatie Wetten indien het Magistraats Hof voor de Afdeeling gelast werd van tijd tot tijd aan den Civielen Commissaris te zenden lijsten van het getal private locaties in de Afdeeling, met het getal en de namen der volwassene mannelijke Naturellen die daarin wonen. Voorziening kon dan gemaakt worden om deze lijsten geldig te maken in Gerechtshoven, zoodat zoodanige Naturellen als gevonden mogen worden in een private locatie, en wier namen niet voorkomen op de lijst voor zoodanige Locatie, beschouwd zullen worden aldaar te zijn in overtreding van de Wet.

(5) Ten slotte het zou goed zijn dat in eenige Wet handelende met bovengenoemde
onderwerpen er een bepaling zij dat geen Afdeelings Raadslid die belang heeft bij eenig kwestie omtrent private locaties, die voor den Raad mag komen, op zoo: danig kwestie zal kunnen stemmen.

W. J. WARREN,
Voorzitter.

Comité Kamer,
Wetgevende Vergadering,
27 Juli 1906.
PROCEEDINGS OF COMMITTEE.

PROCEEDINGS OF THE SELECT COMMITTEE, appointed by Order of the House of Assembly, dated the 26th and 28th June, 1906, to inquire into and report upon the working of the Location Act; the Committee to have power to take evidence and call for papers, and to consist of the ATTORNEY-GENERAL, Messrs. NILAND, M. J. DU PLESSIS, VOSLOO, ABRAHAMSON, Colonel WARREN, Messrs. THOMAS, A. S. DU PLESSIS and MAASDORP.

Monday, 2nd July, 1906.

PRESENT:
The Attorney-General. Mr. Niland. Mr. M. J. du Plessis. Mr. Vosloo.

Col. Warren. Mr. Thomas. Mr. Maasdorp.

Clerk read Order of the House, dated the 26th June, 1906, appointing the Committee.

Clerk read Order of the House, dated the 29th June, appointing Messrs. A. S. du Plessis and Maasdorp as members of the Committee.

Resolved: That Colonel Warren be Chairman.

The Committee deliberated and adjourned until Thursday at 11 a.m.

Thursday, 5th July, 1906.

PRESENT:
Colonel WARREN (Chairman).

The Attorney-General. Mr. Niland. Mr. M. J. du Plessis. Mr. Vosloo. Mr. Abrahamson. Mr. Thomas.

The Honourable Victor Sampson, K.C., M.L.A., Attorney-General, was examined, and put in:

Memorandum re-Sections of Act 30 of 1899, which are involved in the inquiry [Appendix A.]

Mr. Bernard Niland, M.L.A., was examined.

The Committee deliberated and adjourned until Monday at 10 a.m.
PROCEEDINGS OF COMMITTEE.

Monday, 9th July, 1906.

PRESENT:
Colonel Warren (Chairman).

Mr. Thomas. | Mr. Niland.
Mr. M. J. du Plessis. | Mr. Vosloo.

Mr. William Parry Keeton, farmer, Bathurst, was examined.
Mr. Thomas Toy Hoole, farmer, Upper Albany, was examined and put in:

1. Statement, showing number of his sheep missed from 1st May, 1905, to 31st May, 1906. [Appendix B.]
2. Statement, showing number of sheep belonging to Mr. A. W. Munro, missed from May, 1904 to April, 1905. [Appendix C.]

The Committee deliberated and adjourned until to-morrow at 10 a.m.

Tuesday 10th, July, 1906.

PRESENT:
Colonel Warren (Chairman).

Mr. Niland. | Mr. Abrahamson.
Mr. M. J. du Plessis. | Mr. Thomas.

Mr. Thomas William Palmer, farmer, Bathurst, was examined.
The Committee deliberated and adjourned until Friday at 10 a.m.

Friday, 13th July, 1906.

PRESENT:
Colonel Warren (Chairman).

Mr. Niland. | Mr. M. J. du Plessis
Mr. Thomas. | Mr. Vosloo.
Mr. Abrahamson.

Mr. Niland laid upon the Table a letter, dated the 6th July, 1906, from E. White, a farmer of Palmiet, Upper Albany, detailing his losses in stock from August, 1905, to May, 1906. [Appendix D.]

Mr. Henry Collins, M.L.A., and Col. M. B. Robinson, C.M.G., Commissioner, Cape Mounted Police, were examined.

The Committee deliberated and adjourned until Monday at 10.30 a.m.
Monday, 16th July, 1906.

PRESENT:

Colonel WARREN (Chairman).

Mr. Niland
Mr. M. J. du Plessis.
Mr. Thomas.

Mr. Frederick William Landrey, farmer, Cathcart District, was examined.

Mr. Niland laid upon the Table a letter, dated the 7th instant, from George Tomlisson, Koonap, Lanku, as to the working of the Location Act. [Appendix E.]

The Committee deliberated and adjourned until Friday at 10.30 a.m.

Friday, 20th July, 1906.

PRESENT:

Colonel WARREN (Chairman).

Mr. Abrahamson.
Mr. A. S. du Plessis.
Mr. Maasdorp.

Colonel Macleod Bawtree Robinson, C.M.G., Commissioner Cape Mounted Police was further examined, and put in:

Return showing largest number of natives on a farm where Private Location is situated, etc. [Appendix F.]

The Committee deliberated and adjourned until Wednesday at 10.30 a.m.

Wednesday, 25th July, 1906.

PRESENT:

Colonel WARREN (Chairman).

The Attorney-General.
Mr. A. S. du Plessis.
Mr. Thomas.
Mr. Niland.

Mr. M. J. du Plessis.
Mr. Abrahamson.
Mr. Vosloo.

The Committee deliberated.

Resolved: That the Chairman and the Attorney-General constitute a Committee to draft and bring up a Report at the next meeting of the Committee.

The Committee adjourned until Friday at 10.30 a.m.
PROCEEDINGS OF COMMITTEE.

Friday, 27th July, 1906.

PRESENT:

Colonel WARREN (Chairman).

Mr. Niland. | Mr. Abrahamson.
Mr. M. J. du Plessis. | Mr. Thomas.
Mr. Vosloo. | Mr. A. S. du Plessis.

The Chairman submitted a Draft Report.
The Committee proceeded to the consideration of the Draft Report.

On Paragraph one,
Mr. Vosloo moved, as an amendment:
To add at the end "and that they have not had the effect of checking the evil of squatting on private farms."

Mr. Abrahamson moved, as a further amendment:
In lines six to eight, after "subject," to omit "are in several respects ineffective and liable to abuse," and substitute "have not had the effect of checking the evil of squatting or minimizing the invasion and settlement of natives on private lands within the Colony."

Upon which the Committee divided:

The Chairman. Mr. Vosloo.
Mr. Niland.
Mr. M. J. du Plessis.
Mr. Abrahamson.
Mr. A. S. du Plessis.
Mr. Thomas.

Amendment accordingly agreed to.
Amendment proposed by Mr. Vosloo put and negatived.
Paragraph, as amended, put and agreed.
Paragraphs two to five put and agreed to.
Resolved: That the Chairman report accordingly.
MINUTES OF EVIDENCE.

SELECT COMMITTEE ON LOCATION ACTS.

Thursday, 5th July, 1906.

PRESENT:
Col. WARREN (Chairman).

The Attorney-General. Mr. Vosloo.
Mr. Abrahamson. Mr. M. J. du Plessis.
Mr. Niland. Mr. Thomas.


1. Chairman.] You are a member of the House of Assembly, representing the Division of Albany?—Yes.

2. And you are the Attorney-General?—Yes.

3. You are also a member of this Committee?—Yes.

4. We would like you to give the Committee an explanation of the Location Act?—I have prepared a memorandum, which I will read. The sections of Act 30 of 1899 which are involved in this enquiry are the 2nd, 3rd, 4th, 11th, 13th, 14th, 15th, and 16th. The view of the Law Department as to the meaning of these sections is as follows. Natives in the bona fide and continuous service of farmers do not constitute a location and do not come under the location law.

5. Mr. Vosloo.] That means when a native receives a monthly salary?—Yes.

6. The whole year round?—Yes. Natives who are not in the continuous employment of farmers and who are not (upon an inspector's certificate) required for the due working of the farm as
mentioned in sections 3 and 11 of this Act, would constitute a location if living on a farm, and the owner would have to obtain the certificate of the Civil Commissioner that the consent of the Divisional Council and the Governor had been obtained to the location licence therefor.

7. That means that before any man can get a location, he must have the approval of the Divisional Council?—Yes, and of the Governor. There are three classes of these people. There are the people in continuous employment; the people living on the farm who have nothing to do with the working of the farm; and the people living on the farm who have something to do with the working of the farm. Those are the three classes.

8. Mr. Abrahamson.] You have not told us about the third class yet?—No; and that is the important one.

9. Mr. Vosloo.] Those having nothing to do with the farm come under section 11?—No, they come under a proviso to clause 3. If you look at the proviso to clause 3 you will see that the people who have nothing to do with the working of the farm require a certificate of the Civil Commissioner that the Governor and the Divisional Council have agreed to the licence. Those are locations pure and simple, and they cannot exceed 40.

10. Mr. Niland.] And the location inspector has nothing to do with the granting of that licence?—This must be done by a certificate of the Civil Commissioner that the Governor and the Divisional Council have agreed to it. That deals with the second class, and then there is the third class. Natives who are not in the bona fide and continuous employment of the farmer, and who do not come under the class for which the Divisional Council and Governor's consent are necessary, but who are bona fide required for the due working of a farm, are dealt with in sections 3 and 11, and do not require the consent of the Divisional Council and Governor, and are
exempt under section 11 in regard to the payment of the licence fees. Now, the other men, who come under the Divisional Council and Governor's consent, are never exempt from the payment of the licence fees. The people who are living on the farm, but have nothing to do with the working of the farm, have always to pay licence fees, and they are the only class, of the three classes, who have to pay licence fees. There is no payment of licence fees in regard to those who are in continuous employment, and there is no payment of licence fees in regard to those required for the due working of the farm. Payment of licence fees is only necessary in the case of those who are not required for the working of the farm and who are there with the Divisional Council and Governor's consent.

11. The class who do not pay fees do not come under the inspector; they are not inspected?—Yes, I am coming to that. They would, however, constitute a location, and their presence on a farm is subject to the provisions of sections 13, 14, 15 and 16 of the Act. The farmer must, under section 13, apply to the location inspector to decide how many, if any, he will be allowed on the farm, and if the farmer or his neighbours are dissatisfied with the number so allowed, there is an appeal to the Board as provided in sections 14, 15 and 16. No farmer can have such men on his farm till the inspector or the Board have decided the question, and if he has such natives on his farm before such decision he is liable to prosecution. Nothing is said in the Act as to the time the farmer may require their services, or that they should be under any other control than liable to be called upon at any time to assist in the farming operations. The intention of the Act was that the farmer should have a ready supply of labour at hand on the farm for its due working, and that provided the inspector or Board was satisfied that not more men resided on the farm than might reasonably be wanted to work it at different times of the year, the rigid provisions of continuous
The Hon. V. Sampson, K.C., M.L.A.

July 5, 1906.

The employment should not be applied. These men are, however, under the location law in regard to inspection and register of stock, etc. That is the exact position with regard to the three classes.

12. Mr. Vosloo.] With regard to that class under section 13, do you maintain that those exemptions could be made before there is a location?—No. What I say is, that when a man wants a certain number of natives on his farm to help in the working of the farm, and they will not be in his continuous employment, he must go to the inspector and say “I want five, six or seven men for the working of my farm.” Then the inspector must decide the number he can have, and having decided the number, if the man himself is dissatisfied, or if anyone in that ward or in the adjoining ward is dissatisfied that the inspector has allowed the man too many, there can be an appeal to the Board, as provided under sections 14, 15 and 16. Then, when the Board has decided, the man has a right for the first time to get these people on his farm. If he does so before the Board has decided, he does it at his own risk, and may be prosecuted.

13. Mr. Abrahamson.] This Act does not deal in any way with the leasing of lands to natives?—No.

14. Chairman.] Clause 10 gives anyone the power of leasing a farm to a certain number of natives?—Yes; that is the leasing question, and I have not dealt with that.

15. That is what I wanted to point out: you have not dealt with that question?—No, because we simply wanted to deal with those men on the farm. That stands for itself, and you do not want an explanation of that; but the other thing is rather complicated.

16. Mr. Vosloo.] Under the old Act, the number of natives that a man could have on his farm was left to the decision of the Divisional Council?—In the old Act it was absolutely left to the Divisional Council. There were only two classes under that
Act, the people who were in continuous employment, and the people who had nothing to do with the working of the farm. This Act brought a new class in—a third class.

17. In the old Act the Divisional Council was given the power to say "We exempt three from payment of licence fees," if they passed a resolution to that effect?—They were not necessarily people in continuous employment, I may mention.

18. But then it was applicable for the whole district. If the Divisional Council passed a resolution that three would be exempted, then any farmer could keep that number?—Yes; and then we found that many farmers who only wanted one could get three, and others who wanted six could only get three also.

19. The result of that was that the Divisional Council would not pass a resolution at all. I know in our case Glen Avon made application to have three, and the Council was agreeable to give the three, but they found if they passed a resolution it would be applicable over the whole of the district. The question to my mind is whether we should not leave the decision given in section 13 to the inspector to the Divisional Council, and allow the Divisional Council, instead of passing a resolution for the whole district, to give each individual farm so many?—The trouble about that is this. You may have a Divisional Council that is composed entirely of agriculturists, and that Divisional Council might give their farmers the right to have as many natives almost as they wanted. Then there would be the complaint from the adjoining district that the natives were coming across and stealing their stock. That is the danger.

20. Mr. Abrahamson.] You mean you do not wish to have the matter taken away from police supervision?—No, because the inspector is a Government man and if he does his work properly he says "No, I will not allow you to have a lot of natives around your farms, because the farmers in the neighbouring district complain that the natives
go and steal their stock.” If you allow the Divisional Council to settle the number, an agriculturist Divisional Council might allow its farmers to have more natives on their farms than were actually required.

21. What is your experience with regard to the present working of this Act?—My experience with regard to the working of the Act is that I think it is due rather to lax supervision by the inspectors that all this trouble has arisen. I think that practically very little control has been exercised over the actual number of natives that are required. What the Government are now asked to do by people who have represented the matter to me is to appoint some practical farmers to settle the question of how many natives a farmer requires, and not leave it to the inspector, who may not have sufficient practical knowledge of farming operations.

22. And not to the Divisional Council?—Not a word has been said about the Divisional Council. I only raise the objection to the Divisional Council myself.

23. Mr. Niland.] Some Divisional Councils could be thoroughly trusted with the matter, and others could not?—Those you say you could trust would not allow the agriculturist to have one native.

24. Mr. Vosloo.] I would not say that; I would say that the Divisional Councils in most of the up-country towns would treat each case on its merits. They would say “Here is the farm of a large agriculturist who wants some boys. He is a man who will keep his boys in order and will look after them, and we will give him a right to a certain number.” But they would refuse, as under the old Act, to pass a resolution saying that every man in the district could have three natives. If a man came and said “I will keep my boys in order and look out that they are not a nuisance to the surrounding farmers; you know I have a large agricultural farm, and I want so many
boys," then, I think, they would allow him to have those boys. Of course, there is the danger which you pointed out that an agriculturist Divisional Council might allow too many boys, who would be a nuisance to the farmers of an adjoining district, but I think those would be very isolated cases?—If the Committee decides that the Divisional Council should have the right in its hands, I am perfectly certain that the people in the Bathurst Division, for instance, will be perfectly satisfied.

25. Of course, with the police you would have the same danger?—I have no absolute objection to its being left to a Divisional Council.

26. With the police you have the same difficulty. The farmers will exercise influence over them, and in some cases they will give the farmers more natives than they ought to have?—(No answer).

27. Chairman.] I want to point out that the great grievance in our district is under clause 10. Under that clause a land-owner can lease his property to one or more natives so long as they pay a certain amount of rental. Under that clause they can practically make a location there, and all the natives have to do is to pay the hut tax, and there is no control over them whatever. That is the part, I think, in this Act that wants altering. Can you suggest anything, Mr. Sampson, in connection with that clause?—(No answer).

28. Mr. Vosloo.] Do you know how that clause is carried out by the Magistrates?—No case has ever been brought to my notice.

29. I have attended some cases in the courts where this particular clause has been discussed. Of course, it is rather difficulty worded and reads badly, but I take it that its intention and the way the Magistrates carry it out is this. They say if a man lets his farm there must be one or two natives who pay £48, but there cannot be more than two to pay the £48, and for every additional lessee over the two £12 must be paid. There is no limitation as to how many they can employ to do their work,
but if more should join them, £12 must be paid for every additional one?—There is nothing in the Act to prevent them having lessees.

30. The number of servants is not limited?—They constitute a location, and they are under the same position absolutely as regards leasing as a white farmer. They are people in bona fide employment, and they are entitled to the provisions about men required for the working of the farm. Supposing they lease the whole of the farm, they are in exactly the same position as the white man, except that they are subject to the inspection of the inspector as regards their stock.

31. Mr. Abrahamson.] Would you advocate any drastic charge?—Yes, if the House will accept it, I think there certainly should be some limitation upon the right of farmers to sub-let portions of their farms to natives. I am not prepared to go so far as to say that where natives hire the whole of the farm; they may have to be dealt with on a different footing.

32. Chairman.] That would come under clause 9, would it not?—Yes. I think with regard to the sub-letting of portions of a farm on which the owner himself resides, we ought to treat the sub-letting very much as if the owner was getting men on to his farm for the purpose of working the farm, and I think the number he should sub-let to should be subject to the same conditions as apply to the number of men he is allowed to get there to help to work the farm.

33. Mr. Abrahamson.] Which would have the effect of limiting the number?—Yes. The two classes should be treated in the same way. If it is necessary for the Divisional Council to fix the number of men required to work the farm, the Divisional Council should also say how many men the owner should sub-let portions of his farm to. With regard to the case of a native hiring a whole farm, such a case is sufficiently rare at the present moment not to require to be dealt with. The present evil is the sub-letting of portions of the farm.
34. It is the first step in the direction of limiting?—Yes.

35. Take some of the inland districts. Take the Bedford district, for instance, where the country is being invaded on these lines, and where large portions of farms are let to natives?—I think the sub-letting of portions of the farm ought to be under the same restrictions as apply to the allowing of natives to live on the farm who are required for working the farm.

36. Mr. Niland.] I think that the Divisional Council ought to have the right to say how many natives can live on a particular piece of ground?—If the Divisional Council have to decide how many people are to be allowed on the farm in the case of the sub-letting of portions of the farm, they will decide how many persons the farm can support.

37. Mr. Vosloo.] If this section is strictly carried out with regard to the leasing question, I think that you cannot lease to less than two for £48?—I think it is the other way, but if you lease to one he does not create a location.

38. But if you lease to one it must be £36; under section 9, one man is limited to £36?—Yes, but as I say, it reads "he shall not be regarded as constituting a private location."

39. He is on the same footing as a white man?—Yes. It is only when you come to two or more that a location is constituted.

40. It says two for £48, and for every additional one £12. If that were carried out strictly, and you considered the question of leasing only, then that would not be so objectionable, because you could hardly put greater restrictions than that on the leasing. I do not know whether you will get it through the House; but when it comes to the question of those that he employs and those that he allows to squat on that ground, then you can do it?—If we alter it, the Divisional Council should have the right not only to say how many people shall lease but how many natives the people who lease shall have in their employment.
41. The people do not know what is going on if it is in the hands of an inspector, but if it is in the hands of the Divisional Council they do, because the minutes of the Council are published?—If it rests with the Divisional Council it will be far more public.

42. The minutes are published of every meeting, and the people read those minutes as they read their private letters?—Yes; then, as regards the Divisional Council, they have the final decision.

43. You mean without an appeal to the Department?—(No answer).

44. Chairman.] Of course, there are natives who have hired farms from the Government. In our district there are natives, in fact, who have purchased the leases, and they are in quite a different position from others; they are in just the same position as European lessees of a Government farm. At the same time I am not entitled to have a number of natives on my farm that are bona fide in my employ without I take out a licence and make a location of them, and get the consent of the Divisional Council to have a private location. And the native I have referred to is in exactly the same position; that is, the man who hires the whole farm for, say, £35. Then you come to the other man who hires the ground, or the other two men who hire the ground for £48. Why should you exempt this man? He pays the licence and the hut tax under the Act, but apparently, from my reading of this clause 10 of the Act, he can have as many servants as he likes without coming under the Location Act?—He does not even pay the licence fees, and he pays no hut tax.

45. Mr. Vosloo.] He is a tenant on the same footing as a white man?—Absolutely.

46. Chairman.] Then he has a privilege that a white man has not got?—In what way?

47. If I lease a farm I cannot have as many Kafirs as I like without they are bona fide my servants?—What can he do? He cannot do more.
48. Then it comes this way: "Shall not be subject to the provisions of this Act in respect of the payment of licence fees and hut tax." Now, I am subject to that?—No, you are not—not for yourself. You are in the white man's position. You do not pay a licence for yourself: he does not pay a licence for himself. But immediately he takes any servants, then he comes under the Act.

49. Does he come under the Act the same as I do?—Just the same.

50. Mr. Abrahamson.] How is it that the law is evaded in this respect?—That is owing to the administration. There must be some one not looking after it.

51. Mr. Vosloo.] There is some difficulty of reading with regard to the wording of this section. At the beginning it says "any two or more native male adults." I read it that in the first instance there must be two to pay the £48?—Yes, they must pay so much rent between them.

52. But I believe that in the case of some Magistrates the wording of the beginning of this section mixes them up when it says "any two or more native male adults," and they allow a larger number to club together to pay that amount?—That is quite wrong. The reading is quite clear. It is not any two or more natives pay £48, but in the case of two they pay £48, and not less than £12 for each additional native.

53. I found it regarded differently at the last Bond Congress, where this point was discussed. I had not a copy of the Act with me at the time, and the two delegates from Fort Beaufort said that there it is customary for about a dozen to club together and hire the farm?—To pay the £48?

54. Yes. I said that that could not be the case, but they said: "Well, the Magistrate allows it." I would not argue the point, because I had not a copy of the Act with me, but as soon as I got home I looked up the Act, and just a few days afterwards it happened that there was a case dealt with in our Magistrate's court. I could see that the attorneys
and even the Magistrate found a difficulty, and it was only after considerable argument that the Magistrate came to the conclusion that that was the reading of the Act?—It is very clear to me: £48 in the case of two, and £12 for every additional one.

55. At any rate there is that impression, and I should not be surprised that in King William’s Town there is the same impression too?—We can re-draft that clause if you think it is not quite clear.

56. Mr. Thomas.] My experience is that every inspector has a different interpretation of the Act, and no two Magistrates agree?—It is quite clear to me.

57. Mr. Abrahamson.] We have got this far, that you would have no objection to the Divisional Council having the decision instead of the inspector, and to limiting the number?—No, if it is done by the majority of the Council.

58. Mr. Vosloo.] That is, each case should go on its merits?—Each case should be judged on its own merits, and go by the majority of the Council.

59. And on the application of the farmers?—Yes.

60. Chairman.] Do you not think it would be advisable that when a farm is leased to a native, before the lease is allowed to take effect or even be made, there ought to be some medium before which the application should be placed, say the Divisional Council. For instance, I may have a farm to let, and a native comes to me, or two natives come to me and want to give me £48 a year rent for that farm; do you not think that before that lease should be allowed to become legal the consent of the Divisional Council ought to be obtained?—That is in leasing to natives?

61. Yes?—The question is, would the House pass that?

62. Mr. Abrahamson.] I think it would be a very effective means of dealing with an evil,
because there you would get at the fountain head before you allow any one to do it?—And with leasing, I suppose, you would class letting out on the halves?

63. Chairman.] You might class it any way you like, but what I can see is wanted is some control. The class of people that are lessees in these cases are often not a desirable class of people at all, and probably the thing is engineered, and they pay no rent at all for all one knows?—(No answer).

64. Mr. Abrahamson.] Could that be done; you would not call that class legislation, would you?—Yes, it would be class legislation pure and simple. I think it is perfectly clear that Parliament would agree that the number to whom a farmer sub-lets when living on his farm himself should be controlled by the Divisional Council. That, I think, the House would pass. Then, if he wanted to sub-let a part of his farm, he would have to get the consent of the Divisional Council; but if he let the whole of the farm to one man, then he would not have to get the Divisional Council’s consent.

65. After all, why should you not do it? It is the wish of the country to restrict this letting to natives and the forming of locations?—There are two distinct ideas. When you come to controlling the number that a man sub-lets his farm to when he lives on the farm himself, you are dealing with a man who is simply trying to create a location in evasion of the law by bringing a lot of men on his farm; but where he lets his farm to one man, he has a hold of that man, and that man cannot bring a lot of other natives on to the farm. To allow an owner to live on part of his farm and sub-let other portions and allow 20 or 30 people to live there if he has the chance to do so, is contrary to the spirit of our policy; but if he lets it to one Kafir, that man cannot bring another Kafir on to his farm without coming under the location law. That is the distinction I draw between the two cases.
66. *Chairman.* You think that is provided for in this Act?—No, it is not provided for.

67. It ought to be?—I think it ought to be, and I think, further, that working on the halves should be defined in this Act as amounting to leasing; that is where it has nothing to do with working the farm for the white man.

68. *Mr. Vosloo.* That is very dangerous?—That is what I say: at the present moment they can take any number of men on the halves, and the question is whether it comes under leasing at all. It is a partnership.

69. To-day “on the halves” is illegal?—Why is it illegal?

70. Because they are not in the *bona fide* employ. To-day a half sower would have to be exempted under the 13th section?—A half sower is not in continuous employment. He is not there for the purpose of helping the white man to work the farm. He is not there as a labourer pure and simple. He comes under the leasing clause, or he comes under nothing.

71. He does not come under leasing?—Well, then he comes under nothing; and that man can bring as many natives as he likes on the farm, and they do not come under the Act at all.

72. He is exactly the man for whom no provision is made?—Therefore I say we should make provision, and we should make working on the halves the same thing as leasing.

73. *Chairman.* You would require an additional clause for that?—Yes, some amendment of the Act would be required for that. All these things would have to be provided for.

74. *Mr. Abrahamson.* That would create a drastic change, because I think a great deal of the existing evil is due to this?—Yes; take the Fort Beaufort district, for instance.
Mr. Bernard Niland, M.L.A., examined.

75. Chairman.] You are a Member of the House of Assembly, representing the Fort Beaufort Division?—Yes.

76. And you are a member of this Committee?—Yes.

77. I understand you wish to put in as evidence a letter you have received on the subject of the inquiry of the Committee?—Yes, I wish to put in a letter I received last month from Messrs. Hendrikz & De Klerk, Adelaide:

Adelaide, Cape Colony, 20th June, 1906.

B. NILAND, ESQ., M.L.A.,
Legislative Assembly,
Cape Town.

Dear Sir,

Messrs. A. P. Coetzee and other farmers interested in the matter have requested us to write and ask you and Mr. Adendorff kindly to exercise your endeavours, during the present session of Parliament, to bring about a change in the Native Locations Amendment Act (30 of 1899).

According to sections 13, 14, 15 and 16, considerable power rests in the inspector of natives. This, they consider, should be curtailed.

They hold that all applications for the permission of native male adults to be kept on private property should be made in the first instance direct to the Divisional Council; only after that body has received satisfactory evidence that a certain number of native male adults are bona fide required, should such permission be granted.

Then, also, they consider that sections 9 and 10 should also be amended, so as to limit native male adult lessees as far as possible.
Mr. Coetzee does not think it necessary to add anything further, as he is well aware that you, from your own personal knowledge, know the difficulties farmers in the Eastern Province have to put up with under the present unsatisfactory Act.

Yours faithfully,

(Signed) HENDRIKZ & DE KLERK.

Monday, 9th July, 1906.

PRESENT:

Col. WARREN (Chairman).

Mr. M. J. du Plessis. | Mr. Thomas.
Mr. Niland.         | Mr. Vosloo.

Mr. William Parry Keeton, examined.

78. Chairman.] You are a farmer residing in the division of Bathurst?—Yes, at Lombard’s Post.

79. You are aware of the object of this Committee?—Yes.

80. You have been asked to come and give evidence before this Committee with reference to the working of the Location Act?—Yes.

81. You are carrying on farming in Bathurst?—Yes.

82. Now could you give the Committee an idea of the alterations which the Lower Albany farmers would wish to see made in the present Location Act?—The farmers in the division of Bathurst are all perfectly satisfied with the Act as it stands at present; they do not wish to see any alteration made in the amended Act of 1899. I don’t see in what direction the Act is to be amended unless it is in the direction of making the Divisional Council a sort of court of appeal in the matter of disputes, that being the only wish that the farmers of that
part of the country could have in regard to this Act.

83. You mean to leave the working of the Act in the hands of the Divisional Council?—Yes.

84. In what way?—Supposing that a certain portion of the division which is under the operation of the Act complain that the provisions of the Act do not suit their part, then the Divisional Council should have discretion in the matter, and be able to meet those objections. You see the division is divided practically into two parts. There is the stock farmer in the one portion, pure and simple, and there is the agricultural farmer in the other portion. I am one of the latter, and we along the coast require more labourers than the stock farmers do in Upper Albany; there is no getting away from that. Some of our farmers there plough and sow up to one thousand acres of land, and when the crops of that extent of land have to be reaped, a large number of hands are required, otherwise the crops would be lost. We are, therefore, obliged to keep a larger number of men on our farms; and it must be borne in mind that the native will get you into a fix if he can help it, so that when you have sufficient labour on your farm you will get your work performed for 1s. 6d. per day, but when they see that you are scarce and your crops must be attended to, then they will not work for less than 3s. 6d. per day. The farmers in the division of Bathurst are, therefore, very indifferently situated from the farmers in the Upper Albany division, where they really only require herds for their flocks. I could employ 20 to 30 men constantly on my one farm. My men get 1s. per day, 3 lbs. of meal per day, and 1 lb. of coffee and 1 lb. of sugar per week. But it is not only the males that we employ, the women and children are all constantly employed on our farm, and they frequently earn more than the male head of the family. To show how well this system of giving our labourers good and sufficient wages works in our district, I defy any person to put his finger on a single case of stock theft in the division of Bathurst during the last 20
years. You will, therefore, see that the farmers in our district have worked their servants up to a very high standard of honesty, and I would like to see our neighbours, the stock farmers, do the same. Some 20 years ago, our Farmers' Association agreed to it, that no farmer in the division of Bathurst would keep a native on his farm who has once been convicted of theft, however small that theft may have been, even to the extent of taking a mealie cob. The moment a man is detected of having stolen anything whatsoever, he is put on the road at once, and that is the reason why our district has been free from theft. Our employees are therefore of the best; they are honest and good labourers. I may also point out that the Upper Albany stock farmers are making no improvements upon their farms for the simple reason that they have no improvements to make; there are a few perhaps who do make some improvements, but you can count them on the fingers of one hand. I am not, of course, referring to the putting up of wire netting, but the stock farmers need not improve the soil, as they grow no crops, and all they require in the shape of labour is herds for their flocks. We also go in for fencing, but then we have to improve the soil; we make gardens, and we raise any quantity of produce for the market, and for this purpose we require a large number of servants, a want which is not felt by the stock farmers in Upper Albany. Then I have heard it said that the Upper Albany farmers have expressed the opinion that we Bathurst farmers keep natives on our farms to eat their stock. My answer to that is that there has never been a conviction for stock theft in the division of Bathurst, whereas there have been such convictions in the Upper Albany division.

85. You say the Upper Albany farmers go in for no improvements?—That is what I said, with a few exceptions.

86. How do you know that?—Well, I am acquainted with their farms.
87. But still they produce something?—I don't know what else they could do on that dry veld, except raise stock; they have not the water for cultivating.

88. But they produce ostrich feathers?—Not even in the quantities that we do along the coast.

89. And they produce cattle and sheep?—Oh, yes, cattle in particular and sheep also.

90. Then your opinion is that the stock farmers do not improve their farms?—In my opinion they don't, except putting up wire fences.

91. Mr. M. J. du Plessis.] Don't you think it would be a step in the right direction if the Act through the Divisional Council limited the number of men that could be taken on to one farm?—How is it to be done, when the agricultural farmer requires five times the number that the stock farmer does? I have as large a garden, I suppose, as any man in the Cape Colony, and I employ a good many hands, and particularly at harvest times do I want a large number.

92. But the Divisional Council could always take that into consideration when fixing the number for a particular farmer, and allow a man to have the number of hands he requires during the reaping season?—That is all right; they may allow the number, but where are you going to get them if you are not allowed to keep them on the farm?

93. Mr. Niland.] Are you a member of the Farmers' Association?—Yes.

94. Are you President?—Yes.

95. Do you keep natives?—Yes.

96. Under what conditions?—I keep natives as labourers, and I have two men who are well-off; they have three spans of oxen, and they work for me on shares.

97. There are two or three usual conditions: the half-sower, the man who hires land, and the man who cultivates your land?—Yes.

98. Now under which of these conditions do you keep your men?—The two men I refer to are half-sowers.
99. And how many people do those two men keep under them?—These two men have two sons.

100. Only two sons?—Yes, but these are hardly men as yet.

101. How many natives, big and small, are represented by these two men, counting all souls?—14 souls all told.

102. Are the rest of your labourers in your regular employ?—Yes, and these two with their families also.

103. How many of the natives upon your farm are actually in your regular employ for a money wage?—About 30.

104. Do they work every day?—Yes, every day.

105. You are purely and simply an agricultural farmer?—Yes.

106. You have no large flocks?—No.

107. So that as a matter of fact, it would be a difficult thing to steal what there is not—you say there are no stock thefts?—I don't know of any.

108. Is the administration of the Act satisfactory to the agriculturists?—Yes.

109. Do you think it is equally satisfactory to the stock farmer?—I do not see why not.

110. You would not like a purely stock farmer to give an opinion as to what is necessary on your farm, consequently it would be fair to treat the others as you would like to be treated yourself?—Of course.

111. You have no experience which would entitle you to know what is necessary for the protection of a sheep farmer?—I have not, but at the same time I think I have a sort of an idea why there are all these stock thefts on their farms.

112. Now with reference to putting the administration of this Act in the hands of the Divisional Council instead of in the hands of theInspectors; would you consider such a change as satisfactory?—Yes.

113. Would you be perfectly satisfied if that were done?—Yes, because the members of the Divisional Council know the requirements of each ward they represent.
114. Chairman.] Section 10 of the Amended Act of 1899 reads as follows:

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

"If the native male adult occupiers be the registered owners of such private property, or otherwise if there be no European resident on the property either as owner or as representing the owner, such joint occupiers or lessees shall after due notice by the Inspector of Native Locations elect one of their number to be the owner or occupier who shall for the purposes of this Act be regarded as primarily responsible for the discharge of the duties and obligations pertaining to an owner of any land on which a private location is established; and failing such election the Governor may from time to time appoint one of such joint occupiers or lessees for the purpose, or remove any person so appointed.

"Nothing in this section shall be taken to authorise exemption from payment of licence fees or hut tax in respect of any occupants of a private location not being the joint lessees or occupiers as aforesaid."

Do you know anything of the working of that section in your district?—No; it has never been applied in our district. The farmers in the division of Bathurst do not lease their farms to natives, as they require all the land for themselves.

115. Mr. Niland.] Do the stock farmers complain that they lose stock?—Yes.
116. And you think there is something in their complaint?—Yes, I do; if you look at the number of convictions from that part it is clear that they must be losing heavily.

117. So that these men who are not producing anything for the good of the country and who are not improving their farms, have but little protection?—Yes, but I firmly believe that the protection lies in their own hands.

118. You don’t think that it is quite so bad that they are not producing anything, because we look upon the production of wool as very important?—Yes; but we produce a great deal in a small area.

119. You don’t lose ostriches and sheep?—Yes, we do, but the natives do not steal them.

120. It is really the sheep farmer who complains of the working of the Location Act?—Yes.

121. And you think there is something in it?—Yes, and I think it would be an improvement to have matters regulated by the Divisional Council.

122. Could you tell us roughly how many natives you have on your farm—men, women and children?—I should say 40 or 50 all told.

123. How many acres of land do you cultivate?—I suppose I cultivate about 700 acres.

124. Open land?—Yes.

125. And how much for orchard?—I have about 15,000 orange trees, and about 10,000 apple trees.

126. Mr. M. J. du Plessis.] You know that the natives have the bad habit of going about at night and doing mischief, and are you sure that those people you have there do not do any harm to your neighbours round about?—I am perfectly sure that they don’t; they work hard all day and are very glad at night to go home and have their sleep; besides, there is no damage done in our division, we have proved that.

127. Chairman.] Are Circuit Courts held in Bathurst?—No.

128. Where are prisoners, charged with stock thefts, tried?—In Grahamstown.
129. Then if a native committed theft of stock in Bathurst he would be taken to Grahamstown for trial?—Yes.

130. Then naturally the conviction is recorded as at Grahamstown and not at Bathurst?—Well, but the prisoner would in that case come from Bathurst.

131. But still the conviction would be before the Circuit Court in Grahamstown?—Yes.

132. So that it would not be right to say that there have been no convictions in Bathurst because the prisoners from there are taken to Grahamstown for trial?—There are no stock thefts in the division of Bathurst.

132a. Mr. Thomas.] You have not been in the Bathurst district very long?—Yes, all my life.

133. Are there many natives throughout the district of Bathurst? — There are a good many labourers.

134. What class are they, Gaika, Gcleka, the raw heathen natives?—They are none of them raw heathen now.

135. You know their habits and customs, and you speak their language?—Oh, yes.

136. Are there many private locations in Bathurst?—I don't know.

137. But are there any at all?—Well, the natives have no objection to pay 10s., in fact, they are proud of paying it to the Government, but they object to pay 30s. I am paying the hut tax for four or five of them. Of course, before the Amended Act, they used to pay 30s.

138. You are well acquainted with the provisions of the Location Act?—Yes.

139. Have you an Inspector in the district of Bathurst?—Not now, but we had one.

140. Did he perform his duties well?—We were perfectly satisfied with him.

141. There are no locations now in your district? —No.

142. That would mean that no applications have been made to the Inspector for a private location? —Yes, that is so; we do not require private locations and, in fact, we cannot have them.
143. You are quite satisfied with the present Act?—Yes, and my whole district is satisfied with it.

144. Do you find that the Act is apt to be misinterpreted?—Yes, it has been misinterpreted.

145. Especially the Exemption Section?—Yes.

146. I understood you to say that no stock thefts have been traced to Bathurst?—No; but I must say that thieves have been caught in the Bathurst district while driving stock through the district to Kafirland. These natives, however, did not belong to the district of Bathurst; they were merely passing through. There have been no cases of theft by those natives who belong to the district.

147. Do the other farmers generally pay their labourers in rations, the same as you do?—Yes, I think it is done generally our way.

148. What rations do your people get?—3 lbs. of meal per day and 1 lb. of coffee and 1 lb. of sugar per week; and, as I pointed out, the wives and children of these men are also always working in my garden, and they are paid for piecework; and often the women and children earn more than the head of the family.

149. Do they get any milk?—No, they don't; but the two men already referred to have plenty of milk as they have over a hundred head of cattle.

150. Have you any squatters—families living there whose heads are working at Port Elizabeth and other places?—No; I have always warned my people not to keep such people on the farm. We don't want any people there who are not in our daily employ.

151. Have you any natives in your district with a considerable quantity of stock who would have a right to hire grazing land for their stock?—The two men I have already referred to have over a hundred head of cattle between them; they have a wagon, two ploughs, and three spans of oxen; these men want to do more work than I can give them; they do all kinds of work, including transporting our produce, for me.

152. I understood you to say that you think it would be as well if the administration of the Loca-
tion Act were placed under the Divisional Council?
—Yes.
153. Don't you think that provision for a Court of Appeal would be better?—It would come to the same thing, I think.
154. But seeing that some are stock farmers, and some agricultural farmers, would it not be better to have a Court of Appeal, that is, a Board, rather than putting it into the hands of the Divisional Council?—Well, it might come to the same thing; but you must understand that we have got that now practically; the stock farmer, however, is dissatisfied with that provision, and says it does not suit him; that is the reason why I proposed putting the matter into the hands of the Divisional Council, as the members of that body are acquainted with the requirements of the different wards. The agricultural farmers are perfectly satisfied with the Act as it stands, but the stock farmer wants something more done for him. Section 14 of the Amended Act gives the stock farmers the right to appeal to the Location Board, and so his interest is already safeguarded, but they are not satisfied with that, and do not apply the section.
155. Are there many natives in your district who are only employed during the ploughing and reaping seasons, and who are not employed for the remainder of the year?—There may be some; as a rule the ploughing goes on all the year round. Whenever it rains, the ploughing goes on to prevent the ground from getting too hard.
156. Then there are very few natives who are not employed all the year round?—Very few indeed; in fact, I don't know of any.
157. Chairman.] Do you consider that the conditions that apply to the natives in your division would apply to the natives in a stock-raising division?—Certainly, if they pay attention to the Amended Act, because what they require is really provided for in the Act.
158. Then you don't think they require any alteration in the present Act?—Not a bit.
159. Well, but what are your reasons for saying that?—Because they can apply the provisions of the present Act to their division, and what more does the stock farmer want.

160. But now I want to know whether you consider that the same conditions which apply to a stock farming district would also apply in an agricultural district?—I say certainly they would not, but you have the safeguard in the Act.

161. Mr. Thomas.] You say you are well acquainted with the customs and beliefs of the natives, and so on?—Yes.

162. You know they are a superstitious people, and believe that some of their people can bewitch them?—Not so much now.

163. Many farmers believe that their native servants are frequently responsible for “leeglegers.” Don’t you think that some provision should be made to assist the good native to get rid of his relatives, and to protect him from them, seeing that owing to his customs and beliefs he cannot get rid of them?—That would be very nice, but on my farm I protect my people myself. I don’t allow any witch doctors to come on to my farm. Every farmer has a right to look after his own people on his farm, and he has no business to allow people to come there and upset his servants. I know that it is done.

164. You say you look after your natives, but you don’t enter their huts, and if they have “loslegers” in those huts, you cannot know about them?—I place a good deal of confidence in my natives, and I don’t think they would dare tell me lies. In fact, they would come and complain to me if men should trouble them; they have done so, and I have had the people complained of cleared out.

165. Mr. Niland.] You have been an agricultural farmer all your life?—Yes.

166. You have never occupied a sheep farm, adjoining an agricultural district?—I could not say that I have.

167. Then you speak entirely from the point of view of an agriculturist?—Yes.
Mr. Thomas Toy Hoole, examined.

168. Chairman.] You are a farmer residing in the division of Upper Albany?—Yes.

169. You are a stock farmer?—Yes.

170. Do you carry on agriculture at all?—To some extent; I plough about 100 acres.

171. You know the object of this Committee?—Yes.

172. It is to inquire into the working of the Location Act and to see in what way it can be amended?—Yes.

173. Now, how does the Location Act apply to you Upper Albany farmers?—The difficulty is that unfortunately a number of us are living on the boundaries of Upper Albany, a stock-raising district, and Lower Albany, an agricultural district. Now, unfortunately there are in this particular neighbourhood a number of farms which are not suitable for cultivation which are hired out to natives, and these natives are a source of constant worry and annoyance to us. These natives are only working for a certain time of the year, and in many instances they are entirely without food, and they must live. I have, in some cases, supplied these men with food simply to prevent their stealing my stock, and then I have to wait for months before I can get my money out of them. These natives come there with perhaps eight or ten head of cattle, and after having been there for three or four years they are completely ruined, and have sold their cattle to pay their rent. I put it to these men that it would be better for them to come and work for me for 10s. per month and food than to hire these places. Mr. Keeton has made certain comparisons between Lower Albany and Upper Albany farmers; I think there is no necessity for such a comparison, and his remarks do not really apply to the men we object to. If all the people employed their men in the way Mr. Keeton does, we should have no difficulty. We object to the men who hire these farms when they have perhaps only four or five oxen, and they have
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to borrow a few oxen from a neighbour in order to supplement what they have to plough their lands. They cultivate 30 or 40 acres of land, and if the crop is a failure, the farmer's stocks in the vicinity are stolen.

174. You are acquainted with the provisions of section 10 of the present Act providing for the leasing of farms to two adult natives upon payment of a certain rent?—Yes.

175. You don't think that is a good system?—I don't approve of it, but of course you cannot interfere with a man hiring out his farm to anyone he chooses. But I should say that a native who hires a farm should have sufficient animals to farm the land successfully, because then he would not be the danger that he is at the present moment with not sufficient stock to enable him to farm the land he hires.

176. Are there any farms in your district, or adjoining it, which have become useless for stock, and are of very little use for agriculture which have been so leased?—There are farms close to my farm upon which no white man can properly farm; there are two or three such farms which are not first-class farms which have been bought by certain people, but the owners do not live upon them themselves, but they are hired out to natives, and there is not sufficient supervision.

177. Don't you think it would be a good thing if the Divisional Council had some control in matters of this kind where land is leased to natives; that the Council should have the right, if they think fit, to make inspection and examination into the conditions of these people in order to ascertain whether they are fit and proper persons to hold land under those conditions?—I am connected with the Upper Albany Farmers' Association, and at our Congress at Queenstown in February last, we adopted an amendment in the direction of a permanent Location Board instead of putting it in the hands of the Divisional Council.
178. But how were these permanent Boards to be constituted?—I think they would have to be elected by the different wards—one man to represent each ward.

179. On the same lines as Divisional Councils are elected?—Yes.

180. And the Divisional Council should have no control?—My idea was the appointment of a Standing Board, to be elected, say one member for each ward, and then in case of an appeal from the decision of such Board, the member representing the ward in the Divisional Council might be added to the Appeal Court, that is, the Councillor of the ward where the dispute arose.

181. Mr. M. J. du Plessis.] Where a farmer lets a farm to natives, don’t you think it would be a good thing if the Divisional Council or the Board, whichever controls, had the power to limit the number to be placed on the place, as under present conditions they get a lot of “leeglegers” there?—I don’t approve of the principle at all, but it depends. If a man has a large property, he might be able to hire it to more natives than in the case of a small place, and it would be difficult to interfere with him. The difficulty comes in where farms are hired out which are not suitable, and, if there were supervision, the Board would be able to use their common sense in controlling such farms. I am in sympathy with the Lower Albany farmers because I can quite understand that they require more labourers at certain periods of the year than at other times, and therefore we do not deny the fact that they should be helped, but I do not want to help them to the detriment and disadvantage of the stock farmer who lives close by. At present the natives are on these farms without supervision. Then there is also the case of a poor farmer who has not sufficient animals of his own to farm the place.

182. Are you aware that many times these natives remove one or two sheep from your flock, and you cannot get hold of them?—I lost 40 in that way, and although I knew practically who the thief...
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was, I could not catch him; I only succeeded in tracing him after 40 had been taken.

183. Mr. Niland.] The complaint of the stock farmers is that they suffer from stock thefts in consequence of the number of locations in the neighbourhood which are not properly supervised?—Yes.

184. Now will you tell us something about the stock thefts which have been traced, and generally what the result has been?—When I got this summons, I went through my books, as I wanted to give figures, and not to speak in a general way, which is constantly referred to as misleading. I may say that I keep proper books and note my losses of stock; I made a statement which I brought with me, and that shows that for the period 1st May, 1905, to 31st May, 1906, I lost 164 sheep out of seven flocks, with a total of 4,737. My farm has been fenced in at great expense with wire netting, and I have not reaped the benefit to the extent I should have from the additional expenditure.

185. Will you put that statement in?—Yes. [Statement put in.] Our difficulty was that, though we practically knew where these gangs were who committed the thefts, we could not lay hold of them, even with the assistance of the police.

186. Have you traced any at all?—Yes, I have traced some; I remember one instance which we traced where five sheep were killed between Friday night and Sunday night.

187. Can you give us roughly the value?—Out of those particular sheep I have sold 500 at £3 apiece, but of those I lost I should say the average value was £1 5s.

188. Yours is a typical case—about an average case of the state of things in your neighbourhood?—Yes. I may say I got a statement from Mr. A. W. Munro who has six flocks with a total of 2,600 sheep and he lost 107 within a year.

189. Do you know whether any of the 107 so lost were traced?—Natives were caught, but the evidence was not sufficient to convict them.
190. Will you put that statement in?—Yes. [Statement put in.] I may add, that in my own case a few weeks ago, we caught a man on an adjoining farm where a man was farming with four oxen. We found the carcase and skin; the man was arrested, but the prisoner escaped on the way to gaol. I have, however, secured four convictions.

191. Where do the thieves come from?—From the adjoining farms where people carry on farming without having sufficient oxen of their own, and having to get other people's cattle for the purpose, and then these people are not prepared or able to supply their labourers with food.

192. You have a good many natives scattered about your district?—Oh, yes.

193. You are a long way from the natives?—Yes.

194. So that the natives being fixed as Mr. Keeton says does not affect your portion of the district?—Yes, that is so.

194a. As a matter of fact, you think a good many natives escape who steal stock?—Of course, my experience is different from that of Mr. Keeton, who has men with a large number of cattle, but it is not so in our parts.

195. With reference to placing the Divisional Council in control of the locations, do you think it would be a good move?—I prefer the idea of a Board, elected for the purpose, as it would be more independent.

196. There is difficulty in getting an independent Board in a district, and you mean a Board that would be more independent than the Divisional Council members?—It means this, that a man who is a member of the Divisional Council might look at the next election, and he might want to stand well with the electors in order to ensure his chances at the poll.

197. As a matter of fact there would not be much difference whether you elect from the members of the Divisional Council or from the ward itself—the election would take place in the same way?—Yes, that is perfectly true, but I don't see that it could be managed in any other way.
198. You have had no experience in this direction and it is only an idea of yours?—Yes, it has not been tested as yet.

199. Have the Location Inspectors always been satisfactory?—They have not been used to any great extent.

200. Mr. Thomas.] You are the President of the Upper Albany Farmers' Association?—Yes.

201. Have you ever discussed the matter with regard to these natives and the working of the Location Act?—Yes; it is a very burning point with our Association which, though including a number of agriculturists, is largely composed of stock farmers. I wish to refer to the question of the superstition of the natives which was raised by Mr. Keeton; the natives have asked me why we are always suspecting them of stealing stock while we do not trouble about the white men in the same way, and they said to me that sometimes they are aware that other natives are about, and yet owing to their superstitious belief they are unable to acquaint the master of the place of the presence of such natives who might be there for the sole purpose of stealing.

202. Then you think that some provision should be made in the Act to prevent that?—I don't see how you can do that, and my idea was that the only way to assist in this matter would be to oblige the farmer who is allowed to have the natives on his farm to feed them, giving him the right to deduct the amount of such food from the natives' half-share of their crops, but this idea did not find favour with our Association.

203. Chairman.] With reference to section No. 10 of the present Act, is there any way you would like to suggest that it should be amended?—Yes, the amendment which was adopted at our Congress at Queenstown on the 19th of February last, which reads as follows:

"That the Location Act be so amended that all native male and female adults other than bona fide servants come under it. That in
lieu of sections 10, 11, 12, 13, Location Boards be appointed in each district with power to decide what number of natives are necessary to assist the Agricultural farmer in each individual case, and to decide if applicants to reside on stock farms have sufficient stock to become tenant farmers, and if the rents they are compelled to pay are fair and just.”

204. Mr. Niland.] You are now expressing the views of your Association I suppose?—Well, I have been summoned here independently.

205. I don’t mean that you have been sent here on a formal resolution of your Association, but the views which you now express generally represent the views of stock farmers in your district?—Certainly.

206. Mr. Vosloo.] Can you give us any idea how section 13 of the Location Act is carried out in your district. Do they allow natives, who are not in the continuous employ of a farmer, on the farm?—I believe that has been done in some cases.

207. Do they read the Act like that?—I believe that has been done, but I cannot tell you very much about it because, being a stock farmer, I do not employ natives under that section. The great difficulty is where the people hire the farms without proper supervision.

208. I am coming to that. The object of this Committee is really to inquire into the legal question to which section 13 relates?—Yes.

209. It appears that the complaint arises mainly from the fact that certain farmers are given the right by the Location Inspector to keep a certain number of boys who are not in his continuous employ so as to allow him servants when he has more work than in normal times, such as harvest time. Then there are other sections of the Act which provide that if the farmer is dissatisfied with the decision of the Inspector he may appeal to the Location Board in the same way as his neighbours may appeal when they consider that he has been allowed too large a number, and I want to know whether
these provisions have been largely made use of in your districts?—Not in my particular district. I am aware that such provision exists, and I am also aware that the stock farmer does not approve of it, but it would be applied more in Lower Albany.

209A. You cannot give us any idea whether that provision has been made use of in the agricultural part of the district?—No.

210. And you people in the pastoral part of the district complain that your trouble is due to this provision in the Act?—We do complain that these people are placed on farms for a certain time of the year, that they are not in continuous employ, and that they, being without proper supervision, fall into the way of doing mischief.

211. We want to find out how the Act can be amended on that point so as to prevent such a system?—Yes.

212. I want to find out how the magistrates read the Act, because I read it that no man can be allowed even by the Inspector of Locations or by the Location Board to have any natives on his farm over and above those in his continuous employ, unless he has already a private location. It seems rather ridiculous, but so I read the Act?—Well, in our own district it was interpreted by the magistrate exactly in the same way as you read it, and in two or three instances natives were called upon to pay up their £1.

213. In those instances they had not already a location?—No, and I may say the sentence of the magistrate had a salutary effect. But then at the Bathurst Farmers' Association, an opinion was read from the Attorney-General that changed the whole aspect of affairs.

214. Now, you hold that if the Act is to be read so that any man can get these natives, the Act should be made perfectly clear on the point?—Yes.

215. Are you in favour that the provision should be applied to a man who has already got a location as the Act was read formerly?—My idea is that we should recognize that the agriculturists want more
servants during certain times of the year, and I think we should have a Board with discretionary powers to decide such matters.

216. You would not leave the discretion to the Inspectors?—Well, the Board could, of course, consult the Inspector; but the Board should have the right to say how many people a man should have.

217. Don’t you think it would be better to leave it in the hands of the Divisional Council, seeing that every application which came before the Council would be published as the minutes of the Council are always published, and as the farmers read these minutes regularly, they would know what is going on?—I am recommending the Board, simply because our Congress decided in favour of it.

218. A separate Board, quite independent of the Divisional Council?—Yes; such a Board being elected for the specific purpose would have more time to deal with this particular question. Divisional Councils have a limited time at their disposal, and they meet only for a few hours every month, and therefore it is possible they may not be able to give this subject the time it requires.

219. But then in some districts you have hardly any locations; in our own district we have only one location at Cookhouse, where 15 natives are allowed, and the question arises whether in such districts a Board would be appointed?—If there is no need for a Board, there would be no object in electing one at all.

220. I wanted to give the matter more publicity, which it would get if dealt with by the Divisional Council?—The Act could provide that the proceedings of the Board should be published.

221. Your own opinion is that a private Board would be a more suitable body?—They would be able to devote their time specially to the matter in hand.

222. But you are going to create a body and give it large powers?—Yes.

223. How would you recommend, should the election take place?—On the same lines as the Divisional Council.
224. You are not quite sure as to what is the cause of the complaint of some agricultural farmers now having a larger number, whether it is due really to the fact that the Act is misinterpreted, or whether the natives are kept on illegally?—I could not say, and I must confine myself to what I really know.

225. Then take section 10 of the present Act, already referred to. I read it that no natives can lease a farm from a man by a number of them clubbing together, but there must be in the first instance two who must pay a minimum rent of £48?—Yes, that is so.

226. But now it appears that all the magistrates do not interpret that section in this spirit, and they allow a large number of natives to make up this £48. Are there instances in your own district where more than two men hire?—No; we are not troubled very much in that respect. The majority of these men in our district are farming on the half-share system; in some cases, they do hire, but not in large numbers.

227. What I want to get at definitely is whether those that do hire do so according to the provisions of section 10, or whether they hire in large numbers?—There are no large numbers in our neighbourhood who hire land.

228. From the pastoral farmer's point of view that you represent, what are their feelings on these matters?—I have already referred to the losses sustained by Mr. Munro and myself, and as I have stated, we experience the greatest difficulty to trace the men, although we know pretty well who the culprits are; we are simply helpless.

229. You are not in favour of a pastoral farmer having on his farm a larger number than he has actually in his continuous employ?—I don't take them on the half-share system as I don't believe in taking them into partnership, and by taking them on the half-share system you do take them into partnership.

230. You believe a man should pay proper wages, and keep the men in his constant employ?—Yes;
our difficulty, as already referred to, is with the farms which are not worth while farming by the people who hire them to natives.

231. And you think the creation of a Board to control these matters would meet the case?—Yes.

232. And you consider that the proceedings of the Board should be published?—Yes.

233. Mr. Niland.] Do you give your servants enough food?—They get 4 lbs. of grain.

234. And how much milk?—Whatever milk there is, but personally I have not large quantities; the men working about the homestead do get milk. The men get 4 lbs. meal or mealies per day.

235. Do you give them any meal?—Sometimes; besides the mealies or meal, they get 1 lb. of coffee and ½ lb. of sugar per week, as well as a ration of tobacco.

236. Is that about the average wage?—Yes. Mr. Keeton referred to the question of improvements; I may say our people are constantly spending money on their properties, and numbers of them are building dams and putting tracts of land under lucerne. I wish to add that I do not wish in any way to reflect upon the police, as they do all they possibly can to help us, but the native is very difficult to catch, and if you do succeed in catching one at all it is the exception.

237. Mr. M. J. dû Plessis.] I agree with you on that point, but don't you think the Government should put more young Colonials into the police force, as they are acquainted with the habits of the natives?—I think they are doing that now. Our Association has made representations in the same direction, and we have had replies that it is being done wherever possible, and a large number have already been enrolled.
Tuesday, 10th July, 1906.

PRESENT:

Colonel Warren (Chairman).

Mr. Niland.

Mr. M. J. du Plessis.

Mr. Abrahamson.

Mr. Thomas.

Mr. Thomas William Palmer, examined.

238. Chairman.] You are a farmer in Albany and Lower Albany?—Yes, in Albany and Bathurst.

239. Are you an agricultural or a stock farmer?

—I am an agricultural and a stock farmer.

240. Do you farm with small stock or with cattle?

—There are very few small stock which I have, but I have cattle, and I also have farmed with ostriches. I also farm in fruit growing and I grow all descriptions of vegetables in large quantities.

241. Of course you know the object of this Committee: it is to inquire into the working of the Location Act?—Yes.

242. Have you anything you can suggest with a view to the betterment of the present Act?—Nothing.

243. How do you find it works?—I find it works very well.

244. Do you employ a good deal of native labour?

—Yes.

245. Under what conditions do you employ that labour?—I employ them both daily and monthly.

246. Have you any squatters?—I do not see how they could be called squatters seeing that I employ all of them fully three out of the four parts of the year; and that they are servants of mine.

247. Have you not any natives which you employ on the share system or "halves"?—Yes there are two or three.

248. Do you find the present Act works well in regard to you agriculturists in respect to giving you sufficient labour when you require it?—It does with most of us but of course it is not so with the small farmers.
249. Do you know the provisions of Clause Ten of this Act. It provides that a farm may be allowed two or more bona fide lessees. If it is two they have to pay not less than £48 per annum rental, and if there is more they each have to pay £12 per year per head. Are there any farmers that are letting under these conditions in your district? —None that I know of.

250. Then you cannot tell us how this clause in the Act works?—No.

251. Mr. Niland.] You do not keep many small stock do you?—No; not many.

252. What would you call "not many"?—Well, I suppose I and the natives on my place keep about 400 stock altogether.

253. No, I want to know what you individually farm with?—Within about 100.

254. You would not call yours a stock farm?—Not for sheep, certainly.

255. How many servants do you keep regularly? —On my farm?

256. Yes; those in your continuous employ?—Between 25 and 30.

257. I do not want those who live on your farm and work for you occasionally. I want the men who are every day in your employ?—Yes; taking one with another about 25 I should say.

258. Yes, but I want the number that work for you individually?—I cannot give you the number that work for me alone, but taking those who work for me and my son, I should say the number was 15.

259. How many are actually in your continuous employ?—About 22 all told.

260. And they are in your continuous employ?—Yes, they are not paid monthly, they are daily paid.

261. But then sometimes they do not work for you?—Very seldom. I have got tenants on my farm who only hire and cultivate, but I myself cultivate largely in fruit and vegetables. I am one of the largest growers of fruit and vegetables in the district.
262. We want to get at what is the real position of the agriculturist. I want to know what really is the case?—As I said before, about 22 are constantly employed.

263. And then you employ occasionally how many?—From 15 to 20.

264. You employ say 15 regular and 15 irregular?—It would be more than 15 irregular, it would be about 20 irregular.

265. About 35 altogether?—Yes.

266. Will you tell us how many men, women, and children that represents on your farm?—Altogether I should say about 150.

267. You said you did not see how you could call servants squatters. Will you tell us what you consider a squatter?—I consider a man is a squatter if he comes to my place and I let him have a piece of ground, but he does not work for me. He works where he likes and when he likes, and I have no control over him. I consider a man like that is a squatter.

268. What would you call a tenant then?—I have two or three tenants on my farm.

269. What is the difference?—He comes to me and hires ground conditional that I get so much labour from him and his family, and he works when I want him to.

270. Then he would not be a squatter?—No. I cannot see how he could be.

271. What is the difference?—You have no control over the squatter, he goes where he likes and does what he likes, whereas the other man gets a piece of ground, and he and his family work for me whenever I want them.

272. You say you are contented with the working of the Act?—Yes, in our part.

273. Do you think the Act applies equally well both for sheep farmers and agriculturists?—No, I do not think it does.

274. You think it can be modified to the advantage of the stock farmer?—In places it may be, but I think the stock farmers can modify it themselves much better.
275. You have had no experience of sheep farming?—Yes I have. I farmed sheep for eight or ten years in Upper Albany.

276. Under these circumstances did you find sheep were lost?—Yes. A considerable number were lost that I could not trace, but many of them were subsequently traced.

277. Were they traced to the locations?—No; in most cases to our own servants, with the exception of one case, which was traced to the Grahamstown location.

278. These 150 souls, do they represent people under your and your son's immediate control?—Under the control of my son and myself.

279. What is the size of your farm?—Twelve to fifteen thousand acres.

280. About 7,000 morgen?—Yes, quite that, or more.

281. Well, 7,000 morgen would be about 14,000 acres, that is about what you say?—Yes.

282. How much of that have you under cultivation?—About 700 acres.

283. Mr. Abrahamson.] Do you keep stock?—Yes.

284. You say that there are 700 acres of cultivated ground on your farm. What is the rest of the farm composed of?—Pasturage.

285. You say you do not keep cattle?—No, I did not say that. I keep cattle, but I do not keep sheep.

286. And do the natives on your farm—these 150 souls—keep any stock?—Yes, I will not take them without stock.

287. How much have they?—Some have 14 or 15, some 8 or 10, and they have all more or less got bucks—say from 10 to 50.

288. So that the farm is fairly well stocked?—Yes.

289. With the stock belonging to your servants and to you?—Yes. I can tell you I suppose there is about 400 cattle running there—mine and my Kafirs, and that is not counting small stock.

290. Is that the usual thing with the farmers down there?—No; whoever has got room to do so
generally has these people, but there are many of
the small farmers that cannot do so, and they only
hire a small amount of ordinary labour, and when-
ever they are pushed they get their supplies from
us.

291. I have not quite understood the difference
between what is called the squatter and some of the
men that you employ. What do you consider to be
a native squatter?—As I have said before, I con-
sider a squatter is a man who comes to my place
and hires a piece of ground, and I have no more
control over him.

292. Are there any on your place?—Not one.
293. Are there any in the district?—I cannot say
whether there are. There may be a few in the dis-
trict, but, if there are any they are right on the
boundary.

294. Is there really not a very thin dividing line
between the squatter and the tenant?—I cannot
see it for this reason that when the people are short
of labour down there, because they have not room
to keep them on their farms, then they send to us.
My tenants on my farm are sent for four times a
year, and I sent them over and they work there,
but I could not do that with squatters.

295. You allow these natives to come on to your
farm on condition that when you require labour
they and their families are to supply it?—Yes, they
come on the condition that they shall work there
for all time, and that they must not go away with-
out consent.

296. But they are not employed continuously?—
Yes; they are not very often free. When they are
not thrashing they are fruit picking, and so on.

297. Do they do any cultivation?—Yes, certainly.
We give them all pieces of ground to cultivate.
Under these conditions the small farmer cannot
keep men like that; he can only keep the bona fide
hired servant, but with the others—the large far-
ners—they give them enough ground for the
women and children to cultivate, and in cultivating
that ground they all get soon to love it.
298. They are fond of agriculture and they do a good deal of it?—Yes, they do, and even on Sundays if you let them they will go and work in their ground.

299. And they have stock as well?—Yes.

300. And you cannot work on the farm without them?—It would be impossible. When you grow 40,000 cabbages and other things on a similar scale—all sorts of vegetables—to do without them. You have other things to attend to. Just at the present moment I have no birds. I have farmed birds before, and I shall start farming them again, now that my boys are home from school. I shall have 200 or 300 birds on my place, and with things like this to attend to you must have these people.

301. It is the class of labour that suits you and you do not know how you could get on without it?
   —Yes, we cannot do without it.

302. And you think the Act is alright as it is?—Yes, for the agriculturist.

303. Mr. Thomas.] You live almost on the boundary of Bathurst?—Yes.

304. And you know something of both Albany and Bathurst?—Yes.

305. There is a good deal of fruit culture there?—Yes, a lot.

306. Is that done principally on Kafir labour?—Yes, it is all Kafir labour, and the masters superintend it.

307. Do you know of any instances either in Albany or Bathurst where farms are hired by Europeans for the purpose of being let to natives?—That I cannot say. I do not know of anything about that. My neighbour adjoining me hires a farm, and he has natives on it, but I cannot say whether he hires the land to natives, because he is farming there himself.

308. He is on the farm himself?—Yes.

309. You do not know any farms let where there are no Europeans living on those farms?—I know of none down in Bathurst district at present.
Mr. T. W. Palmer.
July 10, 1906.

310. What are the natives in your district—what tribes?—Gaika and Gclaeka.
311. Those commonly known as "red" Kafirs?—Yes, but they are civilized now and Christianized, and they dress.
312. You think there is a decided change in them?—Yes, if you go into their places that will show.
313. Are there very many natives in your part of the country?—No.
314. Have you an Inspector there?—Well, no one specially. We had an Inspector at Port Alfred, but he has left.
315. Did he do his work well?—Yes, in the Albany district.
316. Have you any private locations?—No, not in my place—not in Bathurst. In Grahamstown they call it a private location because they pay the hut tax.
317. You do not pay a location licence at all?—No.
318. Have any applications been made for a private location?—Not by me.
319. Do you generally think that the feeling is to apply for these locations?—In one way it is, and in another way not. I have heard that some applied for native locations on their farms in order to increase their labour, while others applied for them in order to have squatters, but that I cannot prove.
320. And in these cases do you think the Inspector did his duty?—In every respect, and the police also.
321. You have had an Inspector all along?—Yes, either an Inspector or the police.
322. You say you are satisfied with the present Act; that it suits the agriculturists?—Yes, quite satisfied with it.
323. Would you be in favour of the matter being in the hands of the Divisional Council?—Yes, in each district.
324. Do you think that that would answer better than the provision which is made for a Board of Ap-
peal under the present Act?—Yes it would be better because the Divisional Council represents the district.

325. Now do you think it would work well in a district like Albany, where half are agriculturists and half stock farmers?—Well, the representatives from the agricultural parts would be agriculturists and the representatives from the stock farming part would be stock farmers, and as a matter of fact the stock farmers would really have the upper hand of the agriculturists.

326. Anyway, you think it would be better to be in the hands of the Divisional Council?—Yes.

327. Have any stock thefts been traced in your part of the country?—I do not know of one conviction of stock thieving in Bathurst within 20 years.

328. But in the part of Albany adjoining you have known of thefts being traced?—I know of none below Grahamstown.

329. You have a brother in the stock part of Albany?—Yes.

330. He has had many thefts has he not?—Yes.

331. But you have had none in Bathurst?—No, not one. My brother has often had thefts, but they have generally been by his own people or people from town.

332. What rations do your men get?—3 lbs. of mealies per day, and coffee and sugar weekly.

333. Do they get milk?—When they are working on the halves, but I do not ration them, I only ration the herds.

334. Have you any people or families living in Albany or your part, whose husbands are working elsewhere?—Not without our consent, that I know of. If they want to go anywhere from Albany for any purpose to any other part, as they have often done during the droughts, I give them a pass to go to a certain place to get work, but they can come back when the droughts are over, and they send their money to their families.

335. You think that it is right that the natives should have ground for running their stock?—Yes, because they must have a home somewhere.
336. And do you think it necessary to make some provision in the Act in these cases, over those farms. You know there are still many superstitious people amongst them who believe in witchcraft, and you know that their visitors do not value time, and they come there and sleep and eat them out of house and home. Do not you think under these circumstances some supervision should take place so that that does not occur?—I think that is already provided for in the Act, because the police do that.

337. But when it is under the working of an Inspector?—When it was under the working of an Inspector they had to get them away as quickly as they could, and they went directly they were told to go.

338. Mr. Abrahamson.] In your district during the last ten years has there been a large increase in the native population?—No, I do not think it has been very large. In fact, there has been a decrease in the number in the district because there has been a number of them turned out. There is not so many in the district now as there were five years ago.

339. Are you sure of that?—Yes; I am quite sure. Many farmers had more natives than they could employ, and they turned them out.

340. But there is more work there?—Yes, there is more work.

341. Then why have they been turned out?—Because they have had more than they required. They cannot keep them if they have no work for them and no room.

342. Do you approve of farms being let to natives exclusively as tenants?—That is rather a broad question, because if a man comes to me without cattle, I will not have him at all.

343. But supposing you had a farm in Bathurst and a native came to you and said “I want to hire your farm at £100 a year,” or, as the case might be, do you think it would be a good thing to let that farm to him for his own purposes?—If the native was well prepared to make his own living, and he had stock, I do not see why you should not.
344. And are there such cases as that?—I believe there are one or two in the Bathurst division. One case I know of myself: the man lived there for 30 years, and has 100 head of cattle or thereabouts.

345. And he is doing well?—Yes.

346. So that there would be an increase of such cases if there were farms to be had?—Yes, but there are no farms to be had just now.

347. Do you know the border anywhere else except in your own district? I mean, are you acquainted with the conditions?—Yes, I know the border between Grahamstown and Bathurst, and Alexandria and Bathurst.

348. And further up?—Well, the river is the boundary between Peddie and Bathurst.

349. Do you think there are many cases of natives coming into the country and buying farms from white owners?—I have heard of one case, but so far from coming into the country, white owners are really turning them out. Mr. Keeton let a farm to a native in this way.

350. Mr. M. J. du Plessis.] Do not you think 150 souls on a farm is too large a number, and that they are rather a danger to your neighbours?—Well, on the one side it is, but on the other side when you give them work and ground enough to cultivate, and food enough to grow, I do not think it is a danger. If you have them doing no cultivation, and not being hired, but just looking on at you, then it is a danger.

351. You keep 15 boys regularly, and then you have others working occasionally for one or two days?—Do you mean one or two days in the week?

352. Yes; you do not have them every day?—We do not employ them all the year round. If we employ them by the day we give them 1s. and their food, the girls would get 6d. a day, and the youngsters 3d., and those people can grow sufficient food for themselves.

353. Chairman.] You say that a number of natives have lived in your part, and have been turned away because there has been no ground or no work for them?—Yes.
354. What becomes of those natives?—They go on to where they can get work or ground, but I cannot tell you where they go to. They are not on our places.

355. I suppose when they leave they generally leave with some stock?—Yes.

356. And some property?—Yes, bucks and cattle.

357. And wagons?—Yes, some of them have wagons and inspans of oxen.

358. You do not know whether they go into the higher part of the district where they have only stock?—No, they mostly trek Kafirland way.

359. You do not know whether they go up there to the east?—No, I cannot say.

360. Clause Ten of this Bill is what I should like to get your opinion upon. You say you do not know anything about its working. But I would like to get your opinion about it. The Clause provides that where two natives are bona fide lessees paying in cash a rental of £48 or upwards, and £12 for each additional lessee or who are occupying land as registered owners, that they are exempt from payment of licence fees and hut tax. Now, do you think that is a good policy to adopt?—No; I think it is a very bad one.

361. Mr. M. J. du Plessis.] All your boys, etc., that you keep on the farm, are they stationed in one place or all round the farm?—They are stationed all round the house, they are not scattered all over the farm.

362. Then are you able to see what is going on in these huts every day. How many times does the Inspector come to your place?—Since the police have taken it over they have come every week: the Inspector used to come once a month.

363. Mr. Thomas.] You say there are one or two instances where ground is let to natives without stock?—Yes.

364. Have you heard any complaints that there is a tendency for the natives to congregate there and remain there too long?—No, I have not.

365. You say many of the natives have left your part?—They have.
366. Have many gone into the town locations?——No, most of them have gone to Kafirland.

367. Mr. Niland.] You said Mr. Keeton let a farm to natives?——To one native.

368. Is that the same Mr. Keeton who was here yesterday?——Yes, there is only one.

369. He is a very large employer?——Yes.

370. Have you any idea how many working natives he has on his place?——No, but I should say at least 40 or 50.

371. About the same number as you employ yourself?——Yes, more if anything.

372. And consequently there would be a corresponding larger number of women and children?——Yes.

373. You say there has been no case of stock thieving in Bathurst?——Yes.

374. Are all your cases tried in Bathurst, or do some go to Grahamstown?——Yes, but we have had none go from the minor Court. There have been cases traced to our place for theft, but the thefts have not occurred in our part, and except in one case the thieves have never been caught there. In one case they stole 20 bullocks, but they were caught on the boundary.

375. I wish to ask you as a farmer whether you do not think there are certain agriculturists who keep natives to the detriment of the stock farmer?——I do not desire to answer that question. I know that we are accused by the Albany farmers of breeding natives for stock thieving, but I do not desire to answer that question.
Friday, 13th July, 1906.

PRESENT:
Col. Warren (Chairman).

Mr. Niland. Mr. M. J. du Plessis.
Mr. Thomas. Mr. Vosloo.
Mr. Abrahamson.

Mr. Henry Collins, M.L.A., examined.

376. Chairman.] You are a member of the House of Assembly?—Yes, I represent the electoral division of Victoria East.

377. You are a farmer, I believe, in that division?—Yes.

378. You know the object of this Committee, which is to inquire into the working of the Location Act?—Yes.

379. I suppose you are acquainted with the provisions of the Act?—Yes, I am pretty well acquainted with them.

380. Can you make any statement suggesting what alterations you would consider necessary in the Act for the betterment of the farming community?—The present Act works very satisfactorily as far as our district is concerned.

381. Do you farm principally in agriculture or with stock?—Both.

382. What is the most, is it large stock?—Yes, cattle; sheep do not do well on my farm, as heart-water troubles them too much.

383. Mr. Niland.] You are also a member of the Divisional Council?—Yes.

384. Do you belong to a Farmers' Association?—Yes, I am President of our Farmers' Association.

385. Have you any Native locations on your farm?—I have Natives on my farm.

386. Are your Natives half-sowers or are the locations licensed on your farm?—No; my Natives are allowed me by the Inspector for the purpose of working my farm.
387. They are under your own supervision?—Yes, but also under the supervision of the Inspector.

388. What is your opinion about putting the question of allowing the Natives on the farms under the Divisional Council or under another Board, instead of under the Inspector?—Well, when the Act was altered to allow the supervision of private locations to come under the police, we protested, and pointed out that, as the old system had been in working so long, the change would not be for the benefit of the farmers generally. I may, however, say that the trouble we fear with the Police Inspectorship is not a personal one, and the men we have at present are excellent, but the difficulty comes in with the constant shifting of these men. No sooner have they become acquainted with a district and its requirements than they are moved to some other district, and that is what our people object to, particularly as every man has his own way of administering the Act.

389. I want to know whether you would consider it an advantage to put the management of the locations under a board or under the Divisional Council for each district?—You mean instead of having the Location Inspector?

390. I mean a separate board or the Divisional Council, which will have to decide all applications for locations and for Natives to work upon a farm?—But you have to go to the Divisional Council now if you want a licence.

391. Yes, but at present you have to go to the Inspector too?—Yes, because he has to say what is necessary.

392. Well, and I want to know whether you think it would be an advantage to have it entirely under a separate board or under the Divisional Council, which will decide upon the merits of each case, instead of having the Inspector to decide whether the necessity for a location or for labourers exists?—Taking the Eastern Province as a whole, I think it would be a change for the better.
393. To have that as a general principle upon which to work the locations?—Yes.

394. You farm principally with large stock and also with agriculture?—Yes.

395. Do you think the provisions would apply equally where the locality is a purely stock farming one?—No, and I think there is a good deal of abuse at the present time, where it is purely stock farming, such as sheep, especially.

396. Mr. M. J. du Pléssis.] As you don’t farm with small stock yourself, can you give us an instance, or instances, of grievances which small stock farmers have in regard to stock thefts?—For some years I had property in the district of Cathcart, where there is mostly small stock, and we had a good deal of trouble in this direction, although there are no private farm locations; but when there we were close to the Government Native locations along the line. The farmers there suffered very heavily from stock thefts, and they are still suffering. In fact I know of a case where 200 sheep were taken in one night, and never heard of again.

397. Then don’t you think that we should limit the number of Natives who are to go on to these locations?—Do you mean private locations?

398. Any locations?—But how could you limit the number on a Government location?

399. But the Government should not be allowed to keep locations to the detriment of the farmers?—Well, but what are you to do with the Natives?

400. Anyway, you say that the small stock farmer does suffer heavily from thefts by Natives?—Yes.

401. Don’t you think it would be a right step if the Government were to fill up our police force with Colonial-born men?—Our Farmers’ Association have over and over again made representation to the Government in this matter. We wrote to the Commissioner, and we have been assured by him that the force would be recruited from Colonial-born men as much as possible, and that they are replacing the force, as far as possible, with Colonial-born men who know the habits of the Natives; they
have, of course, not been able to do so altogether, as the number of Colonial men offering for the force has not been sufficient, but I am sure that they are working in that direction. I may say that I am absolutely in sympathy with that.

402. So that when a theft has been committed in your kraal during the night, the police will be able to follow the spoor the next morning?—Oh yes, that is exactly what we felt, and therefore we made representations.

403. Mr. Thomas.] I understand from your evidence that before the work of inspection was put into the hands of the police the Act worked satisfactorily?—Oh yes, our Inspector is a very good man, and we could not complain of the system.

404. Have you many private locations in your part?—Most of the farmers are agricultural farmers, and practically they only require Natives for that purpose. These are allowed them by the Inspector, and of course only the best class of Natives are kept on the farms, with the result that we do not suffer to the extent that the people do who live near the Government locations.

405. You are aware that according to the Act application for the hands you want on your farm must, in the first instance, be made to the Inspector?—Yes.

406. Has that been carried out, generally speaking, in your part?—Oh, yes; the Inspector comes out to the farm and sees all the Natives on the farm personally, and acquaints himself with the requirements of that particular farm; he further registers all the Natives on the farm, and takes a register and description of the stock.

407. Do you know of instances where there have been appeals to the Appeal Board provided under the Act?—Not in our district; where the trouble mostly comes in is with those Government locations.

408. Have you many Government locations there?—Yes, practically half the district.
409. Under what control are these Government locations?—I don't know, but, of course, they are under the Location Inspectors. I may point out, however, that as far as I can see the Inspector has his hands full with his office work, and that he has not the time to properly inspect these locations, so that they appear really to be under the Headmen.

410. Then you find that generally the Inspectors have too much office work and not sufficient time to properly inspect the locations?—Exactly, the whole of his time is practically taken up with office work.

411. That would mean that the work of inspection is neglected—It is quite a farce, the man cannot do it.

412. Are there many complaints of stock thefts in your part?—At the present time it is very quiet, and I may say that I have not heard of any serious complaint for a long time.

413. Where do the nearest stock farmers live?—We have small stock throughout the district in small lots.

414. Have you many thefts?—Very few.

415. Don't you think now that it would be well to put the work into the hands of the Divisional Council, as the members of that body are local people, and not subject to the change which you complain of in the case of the Inspectors, who are frequently shifted?—Yes, I think it would be an advantage, because the members of the Divisional Council are mainly men from the farms, and they know the requirements on the farms.

416. And that applications for new licences should, in the first instance, be made to the Divisional Council?—Yes.

417. Mr. M. J. du Plessis.] What is the usual way with your farmers in regard to the feeding of their servants?—We give each boy a ration of about 25 lbs. of mealies per week.

418. Mr. Niland.] That would be about 3½ lbs. per day?—Yes.

419. And do they get milk?—Oh, yes.
420. As much as they want?—As much as they can carry away, and of course our boys on the farms have a little plot of ground which they cultivate, and out of which they often raise sufficient to keep the family going.

421. Mr. Vosloo.] Can you tell us under what system farms in your district are hired out to the Natives; are a number of them allowed to join and make up the £48 per annum for the hiring of a piece of ground?—No, there is not a single case in our district where they have been allowed to form a sort of syndicate.

422. You see Section 9 of the Act lays down that where one man hires the minimum rent shall be £36?—Yes.

423. And Section 10 lays down that if more than one hire they must pay £48; now from what was brought to my notice some months ago, it would appear that that system is very largely in operation in the Fort Beaufort district—I mean the system of Natives hiring ground?—I believe that is so also in the district of Tarkastad, but this is only what I have been told, and I don't know it of my own knowledge.

424. What I was told is happening is this: that any number of them join and make up this £48 for hiring a piece of ground, and what I really want to ascertain is whether the Magistrates in those districts interpret Section 10 to mean that a larger number than two can club together to make up the £48 for the purpose of hiring a farm, as I read the Act to mean that only two can hire for the £48, and that every additional Native must pay £12. Are you aware how that section is interpreted there?—No; but I have heard the complaint brought up where Natives hire a farm in that way, and then sub-letting it, which is, of course, a very undesirable state of things, and naturally the farmers complain a good deal about it.

425. In the first instance two hire for the £48, and then sub-let to the others?—Yes.
426. But you cannot say from your own knowledge whether there are really cases of that sort in those districts?—I have been assured by a farmer from the district of Tarkastad that such a state of things is going on there on his boundary, and that it is a source of great trouble to him; these Natives are owners for the time being on that land, and the police can no more go there and search than they can on his farm, or, for that matter, on mine.

427. Under the present Act it would be illegal?—Still I believe that it has been done.

428. Chairman.] You know that the Natives are very secretive in what they do?—Yes.

429. If they happened to have a personal arrangement between them it would be a very difficult matter to get at the truth?—Extremely difficult.

430. So that it is quite possible that one man may lease a farm, and that then the others assist him in paying the rent?—Yes.

431. It is illegal under the Act, but that it is done is your opinion?—Yes.

432. Mr. Vosloo.] That applies to the case of stock theft, because that is the very reason why it is so difficult to detect it?—Oh, yes, the same difficulty, because they do not give each other away.

433. Chairman.] Now, where there are no Location Inspectors, as in my district, Stutterheim, the police do the work?—Yes.

434. You object to the police doing the work because they are subject to constant removal, and therefore the farmers have not the same confidence in them as in permanent people?—That is so.

435. Mr. Niland.] But still you will admit that the man you have got is an essentially good man?—Oh, yes, that is why we have confidence in this particular officer.

436. Chairman.] You have resided in the district of Cathcart?—Just on the border.

437. And you adjoin the Government locations there?—Yes.
438. Did you find that those Government locations were properly supervised?—No, not in my opinion.

439. Don't you think that those locations should have someone there responsible for them, and to see that things are properly regulated?—The Location Inspector, I believe, is expected to keep a proper register of stock, but I understand that owing to the enormous amount of work that he has to perform in his office, it is impossible for him to do this work in connection with the locations properly.

440. Do you know that the same thing prevails in King William's Town?—In Victoria East we have a man to supervise the locations, but I don't think they have one in King William's Town.

441. Seeing that you have that system in Victoria East, don't you think that we should apply it generally?—Yes, I think so.

442. You say that in your district you have very few small stock farmers?—That is so.

443. And therefore you don't suffer so much from theft in that direction as the farmers do in the districts where principally stock farming is carried on?—No.

444. And, of course, Natives very seldom steal cattle?—There are cases where they steal cattle, but they do not go in for it on the same scale as with small stock.

445. The reason being that the cattle are more easily traced than the small stock?—Yes.

Colonel Macleod Bawtree Robinson, C.M.G., examined.

446. Chairman.] You are Chief of Police, are you not?—I am Commissioner of the Cape Mounted Police.

447. You know the object of this Committee?—I understand it has been appointed to inquire into the working of Native locations on private property.

448. In your general experience as a police officer, do you know anything about the working of the Location Act?—About a year ago the Cape Mounted
Police were entrusted with the supervision of Native locations on private property. Before that they were supervised by Inspectors under the administration of the Native Affairs Department.

449. Could you give us some idea how the Act is working, from your experience?—I might say that on taking over the administration of this Act we found that up to that time the Act had not been very stringently administered, proper registers had not been kept, and so forth, and during the past year my officers in the country divisions have been very busy in getting things straight more or less. We are only now getting into working order, and there has been a good deal of difficulty.

450. Do you know from your experience that land is leased to Natives by private individuals?—Yes.

451. And in that way they become tenants?—Quite so.

452. Now section 10 of the Act of 1899 provides that any two or more Native male adults joined in any bona fide written lease and paying in cash a rental amounting to £48, or upwards, can in that way become tenants?—Yes.

453. That section further provides that in case of two such lessees, and not less than an additional £12 each for any greater number of lessees, or who shall occupy any private property as registered owners, shall not be subject to the provisions of this Act, in respect of the payment of licence fees and hut tax. How do you interpret this section?—Well, it seems to me that under this section you might have any number of Native lessees.

454. On the same property?—Yes.

455. And it is possible for the additional Natives to become the tenants of the two who hire the farm in the first instance for £48?—You mean that the original lessees might sub-let.

456. Yes, as long as such tenant pays £12?—With the approval of the owner of the property, I take it.

457. There is nothing in the lease to that effect, and there is no clear definition in the Act. It seems that when once you have hired a farm to two lessees
ior £48 those lessees could multiply the number of lessees as much as they like upon the payment of £12 by each additional lessee?—Yes, that seems so, and, I may say, we have had great difficulty in these matters. Might I call attention to sub-section 2 to section 11, which reads as follows: “Any Native male adults who are bona fide required for the due working of any property.”

458. Mr. Vosloo.] We will come to that later. How have your officers read section 10?—As far as I am aware no specific case has been brought to my notice under that section.

459. Chairman.] And then section 9 reads as follows: “The occupation of any private property by any Native male adult, who is the sole registered owner thereof, or who is the sole lessee thereof, paying a rental in cash of not less than thirty-six pounds per annum under a bona fide written lease, shall not be regarded as constituting a private location.” Under this section the man can sub-let again?—It is my opinion that he cannot sub-let.

460. Mr. Niland.] Could you give us some special figures for some of the districts?—I am sorry to say I have not got the information to hand yet.

461. Can you tell us from the reports of your Sub-Inspectors whether the locations in the district of Fort Beaufort—which is the district I know most about—on private farms have more Natives than are necessary?—Undoubtedly.

462. I suppose you don’t care about mentioning any particular case?—I would rather not.

463. Would you have any objection to locating the place by saying whether it is near Blinkwater?—Yes, it is in that wooded neighbourhood.

464. Can you tell us whether stock thefts have diminished during the last twelve months that your officers have been in charge of those locations?—I cannot say. I have been calling for reports for my own information, and I have received some, but they do not contain all the information that the Committee now want. The information I have received goes to show that things are now more or
less in working order, and having the control would undoubtedly be a good help to the police to stop stock thefts.

465. Do you think it would be of assistance to the general development of the Native locations if they were put under a Board which would deal with all applications for locations, suitability for sites, and so on, while leaving the supervision in other respects to the police?—Undoubtedly, because you would then throw the onus to a large extent on to the farmers of the particular division.

466. And upon their representatives?—Oh, yes. With regard to a question put to me just now as to whether there are too many Natives on some farms, I may mention that on one of them there are 28 males, 33 females, adults, and 109 children, making a total of 170 on that one location on a farm.

467. Could you tell us roughly the extent of that farm and the extent of the arable land there?—Well, in respect of that place, £30 were paid in hut tax and £28 in licence fees. I am informed that this place has been in existence for about 50 years.

468. Mr. M. J. du Plessis.] We had it in evidence the other day from a farmer that he keeps on his farm 150 Natives, men, women, and children. Do you think that number too large?—Oh, yes, much too high.

469. And the stock farmer has to suffer for that?—Unquestionably.

470. Mr. Vosloo.] You say you have not had a specific case under section 10 of the Act, and you do not know how the Magistrates interpret this section?—No specific difficulty has been presented to me by my officers in which a decision was come to.

471. And if you found a case where three Natives paid the £48, you would investigate the matter with a view to institute proceedings?—Now that you mention the matter, I may say that we are taking a keen interest in the administration of the Act, and doing everything in our power to trace stock thefts; and I will put this to my officers as a special matter to inquire into.
472. Now, coming to the working of the Act, do you issue instructions to all your privates to inspect the locations, or do you appoint special men for the purpose?—The officers for the division are recognised as Location Inspectors under the Act, but the non-commissioned officer in the particular controlling area is responsible for the proper supervision; he inquires into difficulties arising, and the officer in whose particular area the location is situated keeps the necessary registers, ascertains the number of Natives for which exemption is claimed, and sees that things are in order generally.

473. My joint is whether the men appointed from your officers or privates are more or less conversant with the matters they have to deal with?—Oh, yes.

474. Because, you see, a man may often be a very useful policeman, but he does not understand the Native character and matters relating to the locations generally?—We appoint men with special knowledge as far as possible.

475. Now, coming to section 13, which relates to the decision as to the number of male adults required for the due working of private property which rests with the Inspector in the first instance. How has this section been carried out?—This is a very important matter, and it seems to be the crux of the whole Act, and that is exactly the point we are trying to inquire into, and it is our principal difficulty.

476. Now, suppose one of your officers, coming on to a farm, should find that the owner of that farm keeps a boy who is not in his continuous employ, what would you do?—He would require the farmer to take out a licence for that boy. The owner has the right to appeal against such decision to a Board, which can be appointed under the provisions of the Act, if he is not satisfied.

477. But a farmer can keep a boy on his farm without a licence, with the permission of the Location Inspector?—Yes.

478. But, now, have you made use of that power through your officers of giving a farmer authority
to keep on his farm Natives over and above the number in his continuous employ? The section says that the Location Inspector, who is now your officer, can give the farmers the right to keep a certain number of boys on his farm who are not in his continuous employ, but who are required for the farms at certain periods of the year when there is more work than in normal times, and I want to know whether your officers have made use of that power, and whether they have given that right?—Oh, yes, they do.

479. Now, in cases where they come on to a farm and the farmer has more boys than he requires for continuous employment, they make inquiries, and if they consider that he requires the additional boys they give him the right to have them without a licence?—Yes.

480. Has that power been made use of to a very great extent?—Not to a very great extent, but to a reasonable extent. The section is a very difficult one—in fact, it is an unsatisfactory state of law in my opinion. I consider that too much is thrown on the judgment of the police officer; one officer may consider that the farmer has made out a reasonable case, while another on the same premises may consider that he has not.

481. Quite so, and some of his neighbours especially, may think that he has no case at all?—Exactly.

482. But in that case the farmers who are against the man getting the men may appeal to the Board as well as he?—Yes.

483. That, however, is rather unsatisfactory?—Yes.

484. And you don’t know exactly to what extent this power has been made use of?—No, I cannot say definitely.

485. And you don’t know what has been the largest number that they have allowed on one farm?—No, but I could obtain the information. As I have said, I have given a year for the working of the Act, and I am now calling for reports to see how it has worked.
486. It would be very useful to have that information as to the largest number that you have allowed a farmer, because that seems to be one of the principal points that the public complain of—not against the officers, but against the loopholes in the Act?—I will endeavour to get it.

487. I want to know how that particular section is interpreted. Do you make use of the power referred to where a man has no location on his farm, or only in the case of a man who has already a location on his farm?—An officer going on to a farm would ascertain how many Natives are on the farm, and then his duty would be to see how many are bona fide servants and how many, as we have it in our instructions, "are required for the due working of the property." This matter, however, has been our main difficulty.

488. That is in the case of a man who is not licensed to have a private location?—Even if a farmer has a licence, we must see that he has not more Natives on his property than he has a licence for, or the permission of the Inspector.

489. But, now, in which of the two cases do you make use of that power, in the case of the man who has not a licence, or in the case of the man who has already got a licence?—In both cases.

490. But you don't know how the Magistrates read the section?—No.

491. Formerly it was read to mean that in case where a man has not already a location, the Inspectors would not have the right to exercise this power, and if such Natives were found on a farm proceedings were always instituted. That has now been changed by an opinion of the Attorney-General which was read at a meeting of a Farmers' Association?—I have not seen that.

492. Well, now, if the section were still read as it was before that opinion was given, that is, that in cases where farmers have not got a licence, the Inspectors would not have the power, there would not be such serious complaints?—Well, that is the way in which we are acting now.
493. Anyway, you think an amendment is required in the present Act to make that point quite clear?—I do.

494. And you feel that the responsibility on your officers of deciding on the number of Natives required for a farm is casting an onerous duty upon them?—Oh, yes, and they realize it very freely.

495. And you should also like to see some change in the Act so as to throw this responsibility on some Board?—Yes, I want the Act to be more definite on the point.

496. And not only that, but also there should be another way of deciding upon the number?—Yes.

497. And you think a Board to which applications should be made will meet the case?—Yes, because, as I have said, you will then throw the responsibility upon the representatives of the division.

498. Are you in favour of a Special Board appointed for the purpose, or would you be in favour of placing it in the hands of the Divisional Council?—I think the Divisional Council.

499. You think that will be satisfactory?—Oh, yes.

500. You mentioned just now the case of a location on a farm in the district of Fort Beaufort where there are 28 men, 33 women, and 109 children?—Yes.

501. Of course, you know that under the present Act there is provision to do away with such a location, on the ground that it is not only not necessary, but that it is a nuisance to the adjoining people?—Yes, that is so.

502. Chairman.] Do you know the number of farms in the districts of Stutterheim and Komgha which are leased to natives?—No, I could not give you that information.

503. Have you had any complaints from your officers about this system of leasing farms to natives?—No, I cannot say that I have.

504. Of course, you have no supervision over the Government locations?—No.
505. And I suppose you cannot tell us how these locations are supervised?—They are supervised by Inspectors appointed by the Native Affairs Department.

506. Are they not supervised chiefly by headmen?—I cannot say that, but I know that there are Location Inspectors who are appointed by the Native Affairs Department.

507. Mr. Abrahamson.] You have no personal knowledge, I understand, about the way in which farms are leased to natives?—No.

508. But you will be able to get further information for us?—Yes, I will get it as soon as possible.

509. Mr. Thomas.] According to the present arrangement, the work of inspection is given over to the officer in each district?—He is responsible.

510. And it is part of the duty of the men who are patrolling the district to report from time to time to that officer if they see any huts?—Yes.

511. In my part very often huts are built, and the Inspector knows nothing about them as he is tied down to office work?—Yes, that is a difficulty, and I will make a note of it.

512. And you know that through this exemption section there is considerable difficulty and dissatisfaction in the district of Albany?—Yes; my officer there reports that it is a question there between the agricultural farmer and the stock farmer.

513. Your men who do this work, do they get any extra pay?—No.

514. Your difficulty has been due to the fact that the former Inspectors have been rather lax in their work?—Yes.

515. And consequently your men have had a lot of trouble in trying to get things into proper working order?—Yes; we have had practically to make an entirely new register in some divisions.

516. If the Act were placed in the hands of the Divisional Council to whom applications will have to go in the first instance, would there be no difficulty in the working of the Act as between your men and the Divisional Council?—The Divisional Council would assist us.
The Divisional Council, being a local body, would understand matters better?—I would like to see the onus thrown on the Divisional Council. I would like to add that a difficulty is also experienced with the natives who sow on the half-share; they are put under the category of "natives required for the proper working of the property." These half-sowers, if they steal, do not steal from the owner of the property; but from his neighbours, to whom they are a menace.

Mr. Vosloo.] It is illegal to have natives on a farm merely as half-sowers:—The owner must have a licence first for a location.

Mr. Thomas.] Don't you think it is too much for one man to do the office work, as well as the inspection?—We always allow a non-commissioned officer to do the purely clerical work, and it has been my endeavour to cut down the office work as much as possible, but a certain amount will always remain; there must be proper supervision of outdoor duties when one has such a scattered force. I may say I have just issued instructions to the senior officers to see that the junior officers get to know every farm in their sub-division, and that they are to patrol themselves, and spend as little time in their offices as possible.

Mr. M. J. du Plessis.] Are stock thefts increasing now throughout the Colony?—They are just about the same, speaking generally.
Monday, 16th July, 1906.

PRESENT:
Col. Warren, (Chairman).

Mr. Niland.  |  Mr. A. S. du Plessis.
Mr. M. J. du Plessis.  |  Mr. Maasdorp.
Mr. Thomas.

Mr. Frederick William Landrey, examined.

521 Chairman. You are a farmer?—Yes, in the district of Cathcart.

522 You know the objects of this Committee?—Yes, I own property in the Komgha district also; I have not had much experience as to the working of the Act there, but I am opposed to the formation of private locations on farms.

523 The Committee wish to obtain some information from you as to the working of the Location Acts in your district, and also in the district of Komgha where you possess land?—Yes, I have not made a study of it.

524 You are well acquainted with the Location Act?—I have read it, but have not made a study of it.

525. The farm you hold in the Komgha district is leased to Natives?—Yes.

526. Under what conditions?—They pay me an annual rental of £94.

527. I believe you have been almost compelled to lease this land to natives owing to the general condition of the district, as practically all the land held by Europeans is leased to natives?—It is almost impossible for a European to farm in the district surrounded as he is by natives. Not long ago I wanted to breed some Persian sheep on my farm in Komgha, and made an offer to a European to work on halves, and his reply was to the effect that it would be impossible to make it pay, as the native squatters on the surrounding properties would steal the increase of the sheep.
528. You have been forced into the position of having to let your farm to natives as it is impossible for a European to farm in the district?—Yes.

529. Have you any suggestions to make as to the remedying of this state of thing?—I think that the owner of the farm which is let to natives should be held responsible for the value of the stolen stock traced to the farm.

530. Whether there was any conviction or not?—Yes; so long as the stock was traced on to the farm.

531. Have you had any experience with regard to the working of sections 13 and 14 of the "Native Locations Amendment Act," which read as follows:

13. The number of native male adults, other than those in bona fide and continuous employment, who may be required for the due working of any private property shall in the first instance, upon application for exemption from payment of licence fees be decided by the Inspector of Native Locations.

14. The owner of any land on which a private location is established, if dissatisfied with the decision of the Inspector of Native Locations, shall have a right of appeal to a Location Board, to be composed of the Civil Commissioner of the division, the member of the Divisional Council representing the Divisional Council district in which such land is situated, and such other member as the Divisional Council may appoint to represent it.

?—I have not had much experience in the working of this Act.

532. If the leasing of land to natives under section 10 had first to be approved by the Divisional Council would that not tend in the direction of suppressing stock thefts?—I would rather see the matter placed in the hands of the
police. There are Divisional Councillors personally interested, who have bought farms and sub-let them to natives, and in the district of Stutterheim, even the Civil Commissioner himself is the owner of a farm which is sub-let to natives. In my opinion, it would be better if the working of the Act were left in the hands of the police.

533. Mr. Maasdorp]. You think it is absolutely necessary that the Act should be amended?—Yes. I may mention that when I bought my property in the Komgha district there were a good many European farmers in that district. Now the whole district is passing into the hands of the natives, and before long the whole of the country between the Kei and the coast will be held by natives.

534. Is it a country in which Europeans could farm successfully otherwise?—Yes.

535. You are of opinion that it is the natives who are forcing the Europeans out?—Yes. It is almost impossible for European farmers to carry on farming operations successfully surrounded as they are by natives in a rough, bushy country, owing to stock thefts.

536. Chairman.] What is the extent of the land which you have leased to natives in the Komgha district?—The three sections comprise altogether 1,500 acres.

537. And how many natives are there on your farm?—Four families.

538. Do they cultivate much ground?—They cultivate, I think, about 75 acres.

539. Are they the owners of much stock?—They possess, I think, about 150 head of cattle and 50 goats.

540. Are they able to live from the produce of the land they cultivate?—They are also transport riders; but when the railway line is opened to Umtata they will depend altogether on the land for their living.

541. Mr. Niland.] You are well acquainted with the districts of Cathcart and Komgha?—I have been there since I was six years old.
542. Would you not prefer working the farm yourself or letting it to a European?—Yes.

543. Under what conditions are the other farms in the neighbourhood let?—Under the same terms; some, however, are let on shares.

544. This system of letting farms to natives is a source of trouble to the stock farmers round about?—Not so much in the Komgha district, as they are all cattle farmers; it is a source of annoyance to sheep farmers.

545. Your farm was originally a good sheep farm?—It was one of the best farms in the district.

546. What caused it to deteriorate?—The deterioration is put down to heart water.

547. Who supervises the native squatters?—The Inspector of Native Locations.

548. Would it not be wise for the Divisional Council to consider applications, and consider whether the land intended to be sublet is suitable for a native location, and what number should be allowed to settle on it?—I would rather see the supervision in the hands of the police, as so many of the Divisional Councillors are personally interested in the letting of land to natives in the district.

549. Are there any restrictions with regard to the land let to natives?—In my case they would only allow four families to settle on the land.

550. Are there any farms on which too many natives have been allowed to settle?—Yes, in the Cathcart District.

551. Mr. M. J. du Plessis.] Stock thefts are a great drawback to the European farmer?—Most decidedly.

552. Mr. Thomas.] If the working of the Location Act were in the hands of the Divisional Council, would that have any influence on the election of Councillors?—I think so, especially in those districts where the members of the Divisional Council let land to Natives.

553. Would it not be better to have a local body—a Board or the Divisional Council—who would
know the requirements of the district?—I should think the police would make it part of their duty to know the requirements of the district. In my opinion, the Act would be better administered under police supervision than under the Divisional Council.

554. Are there a large number of natives in your district?—Yes.

555. Is it the general rule of your district to let the farms to Natives?—Yes, the coast farms.

556. Is it an agricultural district?—Yes, but it is not suitable for wheat.

557. Would it be necessary to have an Inspector of Native Locations?—I think it is necessary to have an Inspector who would work with the police.

558. Do the Inspectors keep a register of the stock on the farms which are leased to natives, under the Location Act?—I believe they are supposed to keep a register of such stock. I may mention that some time ago I lost some cattle which strayed an to a neighbouring commonage, where they were eventually found. Although the loss of the cattle was reported to the police, they were unable to discover them.

559. Have any cases come under your observation of farmers having natives on their land, whom they claim to be their servants but who are really squatters?—Such cases would not be made public.

560. Mr. M. J. du Plessis.] Have many stock thefts taken place in your district?—Not so many on my farm as on the neighbouring farms. My father's farm adjoins a location and a great many of his sheep are stolen; several of the culprits living in the location, however, have been caught and sentenced.
Friday, 20th July, 1906.

PRESENT:

Col. WARREN (Chairman).

Mr. Abrahamson. | Mr. Niland.
Mr. A. S. du Plessis. | Mr. M. J. du Pessis.
Mr. Maasdorp. | Mr. Thomas.

Col. Macleod Bawtree Robinson, C.M.G., further examined.

561. Chairman.] When you were before the Committee the other day we asked you to get certain information; have you been able to obtain that information?—Yes; I was asked the number of farms leased to natives in the districts of Komgha, Stutterheim, Albany and Bathurst. In the district of Komgha four farms are entirely so leased and 130 farms are partly leased to natives; in the district of Stutterheim 15 farms are entirely leased to natives and 26 are partly so leased; in the district of Albany two are partly leased and in the district of Bathurst one is partly leased. I may say that with regard to the last two it is possible that the instructions as to the information required were not quite understood by the officers concerned. I was also asked to obtain the largest number of natives on a farm so leased, and in the Komgha district there are 252 natives on a farm, namely, 42 males and 210 women and children. In the district of Stutterheim, the largest number is 108, namely, 21 males and 87 women and children. In the district of Albany, the largest number on a farm is 150, of whom 33 are males.

562. Mr. Abrahamson.] Will that return be handed in?—I have no objection to put it in if the Committee wishes it.

563. Mr. Niland.] Could you give us the names of the owners of those farms?—No; I understood that the names of owners were not to be divulged.

564 Mr. Thomas.] Could you tell us where the one farm, which is in the Albany district, is situated?—No.
565. Chairman.] Have you any others to mention?—In Bathurst district the largest number on a farm, that is males, is 23; the women and children are not given for this farm.

566. Mr. Niland.] Then you don’t know the total number on that farm?—No.

567. Mr. Abrahamson.] You may take it roughly at five to one?—Oh, yes, quite that.

568. Chairman.] Any others?—Yes; in the district of Uitenhage, at Bayville, there are three locations on one farm, with 40 males on each of those three locations; here also the women and children are not given.

569. Mr. Abrahamson.] That is really 120 natives on the one farm?—Yes, so I understand.

570. Chairman.] You will put that return in?—Yes. [Return put in.]

571. Have you any further information from your police officers who are in charge of those districts that might be of assistance to this Committee?—I was asked about the evils arising from this state of affairs, and of course the most serious evil is stock-stealing; besides that, we have the beer-drinking evil and also Masters and Servants’ cases; further, it affords an easy opportunity for loafing and squatting. One of my officers suggests that a very important factor in remedying this condition of things would be a provision that there should be some guarantee that these natives are properly fed, because if they are not properly fed, they feed themselves at the expense of the neighbouring farmer. I should like to add that this whole question has a very important bearing on the labour question; our experience has been that where we have enforced the Act stringently it has had a very good effect on the labour market.

572. A beneficial effect?—Yes.

573. Mr. A. S. du Plessis.] Which Act are you speaking of?—The Location Act.

574. But enforce it in what way?—By seeing that these people take out the necessary licences
and that they have not an excessive number of natives on the farms.

575. Mr. Maasdorp.] This is provided for by the Act?—No. Not sufficiently in my opinion.

576. Mr. Abrahamson.] Have you authority on Town locations in Municipalities?—No; nor over Crown locations.

577. Chairman.] Crown locations are managed by the Government and the Town locations by the Municipalities?—Yes. I may say that my inspector at Queen's Town, whose area includes the district of Cathcart, reports that the lower location of that district is teeming with unemployed natives; and the same applies to Komgha and Stutterheim.

578. Mr. Maasdorp.] Have you any idea how these unemployed people feed themselves?—I take it that it is partly accounted for by the fact that in those parts we have a great deal of stock stealing. It is a great evil all along the Kei.

579. They live upon the farmers illicitly?—Yes, to some extent; probably to a considerable extent.

580. Mr. Niland.] Do you have a larger number of stock thefts where you have a larger number of unemployed natives?—Undoubtedly.

581. Mr. Maasdorp.] You say you were able to restrict this to some extent by applying the provisions of the Act more stringently?—Yes.

582. Well, is the Act not sufficient as it stands at present to enable you to prevent it altogether?—No; the Act is too indefinite. The main difficulty comes in about the number of natives required for the bona fide working of a farm; one of my officers points out that nearly every Magistrate he has discussed it with interprets the Act differently, and it is therefore next to impossible to deal with these matters effectively under the Act as it stands now.

583. Have you collected any other information?—Yes; I have here a report from Inspector Halse, which was not specially called for by me, but it came in quite unexpectedly. He writes about the-
lessees of private native locations under section 10, Act No. 30 of 1899, as follows:—

"With reference to the above subject, I have the honour to report that when visiting Bacela, and other parts of the Cathcart district along the Great Kei River last week, I found that on some of the farms there are an extraordinary number of natives residing, who I consider have no right to be there under present conditions. For instance, on the farm Bacela (excluding the Police Reserve) I find there are besides servants and their families, eight native male adults with large families, whose sole right to be there is under certain leases which they have entered into with a coloured man named Mr. ———, whereby they jointly agree to pay him about £140 per annum rent. Mr. ——— in turn hires the farm from a missionary who resides across the Kei River.

My point is that no one has the right to let a farm or portion of a farm to more than one native without the consent of the local Divisional Council, and the approval of His Excellency the Governor.

I ascertained that Mr. ——— had not received any sanction to establish a location there, and therefore instructed Sub-Inspector Bovey to take immediate steps in the matter. He however informed me that the Attorney who was acting for Mr. ———, advised him that my reading of the Act was wrong, and that Mr. ——— or any other farmer was authorized to lease his farm to as many natives as he wished, without anyone's consent, provided the first lessee paid £36 per annum, and every additional lessee paid £12.

I believed this to be incorrect, and therefore instructed Mr. Bovey to prosecute, but before doing so, to consult the Resident Magistrate on the subject. He however now writes to
say the Magistrate agrees with Mr. ———, the Attorney's, view, and adds, that the question has been decided recently by one of the Judges.

I have often discussed this very point with Mr. S. Roberts, who was until recently, Chief Inspector of Locations, and he assured me that he had received a definite ruling from the Law Department which supported my view of the present case, and it is moreover quite clear to my mind, that the Memorandum of Instructions received from the Native Affairs Office, of which I am attaching a copy (dated the 28th May, 1906) also interprets section 10 of the Act in the same manner. I shall, therefore, be glad if you will kindly obtain a definite ruling on the subject for me.

I should like to point out, that if the Magistrate's ruling in this case is correct, the matter will become very serious indeed, as in Mr. ——— case already mentioned, he has at present no less than eight native lessees, who have large families and servants, which means that a very large location of natives are permitted to reside on one farm, without any police control whatever, as we, of course, would have no right to interfere with them in any way. Mr. ——— may wish to lease further portions of his farm and there would be nothing to limit him in that direction, if my contention is wrong, and in that case I consider it absolutely necessary to have the Act amended, so as to prevent such dangerous squatting from being permitted."

584. Mr. Abrahamson.] Have you information for any other districts such as Fort Beaufort, Bedford and so on?—I gave the information I had about Fort Beaufort the other day and I have obtained nothing additional for that district. I may, however, add that at Victoria East I am afraid there is a large number of natives on an estate in
that district, but they are under the Crown Inspector; Mr. Liefeldt having been detained there.

585. You have no personal knowledge how they are managed there?—No.

586. Mr. Liefeldt is a particularly able man?—Yes. I may say that the Act as it stands at present is very difficult to administer, and we are bound to get into hot water sometimes.

587. Can you tell us how the Act should be amended?—Well, in my opinion, the number of natives required for the bona fide working of a property should be limited, and that any required beyond that number should be regarded as persons liable for licence fees and hut tax.

588. Mr. Niland.] What is your opinion about putting the management of the locations under the Divisional Councils?—As I said the other day I am in favour of that.

589. Chairman.] Assuming that the management is left to the Divisional Council, do you think that the Councillor for the particular ward where the question arises should have a vote?—Of course, as you know at present, there is an appeal to the Divisional Council as laid down in section 14 of the Act, which provides "that an owner shall have a right of appeal to a Location Board, to be composed of the Civil Commissioner of the Division the member of the Divisional Council representing the Divisional Council district in which such land is situated, and such other member as the Divisional Council may appoint to represent it."

590. But the Divisional Councillor representing that particular ward may be one of the persons interested in the matter, and therefore don't you think that that Councillor should be debarred from voting?—It would possibly be placing him in an invidious position. Of course there comes the question that he represents the people of that ward itself, and it is a somewhat difficult question. I may point out that in section 3 it says "provided that such distributor of stamps or other officer shall not issue such licence until a certificate signed
by the Inspector of Locations, or the Chairman of the Board provided for in section 14, is produced to him certifying the number of natives decided by such Inspector or Board, as the case may be, in accordance with the provisions of sections 13, 14, and 15, or 16, to be required for the due working of the farm; provided further that no such licence shall be issued in respect of natives other than those mentioned in section 11, except upon the certificate of the Civil Commissioner that the consent of the Divisional Council and the Governor to the issuing of such licence has been obtained.”

So you see the Divisional Council has a say now.

591. Yes, they have a say when you want to establish a location in so far that they can veto that?—Yes.

592. But then the natives come in under sections 9 and 10?—That is the trouble.

593. Mr. Abrahamson.] Supposing that the sanction of the Government were to be obtained in every case of that kind, would that in any way mitigate the evil?—It would in a way, but I don’t think you will ever remove the evil unless you fix the number of men allowed for the bona fide working of a property without payment of a licence fee.

594. And in addition to that power you could get the location established only on application to the Divisional Council?—Yes.

595. And then there would be no harm in getting the sanction of the Government as well, because don’t you think that it might act in this way: supposing the Divisional Council was to grant anything, or to do something in this connection, which was not in the interest of the public, it would give the people in the district or sundry members of the Council itself, an opportunity of placing the matter before the Government, and in that way perhaps prevent the evil?—Yes.

596. You said that beer-making was found to be one of the evils?—Yes.
597. Have you any knowledge of that personally?—Oh, yes.
598. Is it the Kafir beer that does all the harm?—Yes, Kafir beer and honey beer.
599. Is that intoxicating then?—Oh, yes.
600. Because we are told by those who ought to know that Kafir beer is not intoxicating?—It is intoxicating.
601. It makes them drunk?—If they take enough of it, it does; and I may say that they do take enough of it.
602. So that the mere fact of their not being able to get liquor—wine and brandy—does not stop the drunkenness to any extent?—I do think that restrictions on the sale of liquor to natives must have a good effect, but they are considerably neutralized in native districts where kafir-beer making is largely carried out and beer drinks frequent.
603. They are satisfied with their own concoctions?—I will not say that they are satisfied with them, because if they can get liquor they are only too ready to take it. I may say that this liquor question along the Kei is very troublesome indeed.
604. Mr. Maasdorp.] Is that system of letting farms to natives on the increase?—I am inclined to think that it is. I have no statistics on the subject but from the reports of my officers I gather that there is a tendency to increase.
605. What is the reason for that: is it that people, finding that their neighbours do it, are obliged to follow suit in self-defence, or is it on account of a tendency on the part of the white man to get into the town?—I don’t think a high-class farmer would lease his farm in that way, and without wishing to be uncharitable it is perhaps the lazy sort who find it an easy way of getting a living.
606. Is it also on account of persons who live in towns acquiring property outside for the purpose of letting it in this way on account of their
finding it a profitable investment?—I think so; although I could not give any instances.

607. **Mr. Niland.** Is it not also owing to the fact that land has deteriorated and that farmers do not find it worth while to farm it and therefore let it out in that way to the natives?—Yes.

608. Do you find that where the restrictions on liquor are enforced, beer drinks are on the increase?—No, I cannot say that I have noticed that.

609. **Chairman.** I suppose the extent of the beer drinks greatly depends upon the question whether the natives have had a good harvest or not?—Yes.

610. **Mr. Niland.** If they have plenty of grain they go in for it largely?—Yes.

611. We find that these beer drinks have enormously increased in some districts, but is it not a fact that where the natives go in largely for beer drinking that they have a craving for meat?—Yes, that is quite true.

612. **Mr. Thomas.** Can you tell us whether stock thefts have been traced to the districts of Komgha and Stutterheim on account of there being so many natives? I ask this question because some of the cattle out of my district have been traced to those districts?—I cannot say that those are the largest stock stealing districts, but I will say that they are two of the principal stock stealing districts.

613. Don't you think that it would be as well if orders were given that the Cattle Removal Act should be more stringently carried out?—Certainly. if there has been any laxity: I think it is a very good Act.

614. And according to that Act no stock can be removed without a pass?—No.
APPENDIX.

[A.]

MEMORANDUM BY THE HONOURABLE THE ATTORNEY-GENERAL RE LOCATION ACTS.

The sections of Act 30 of 1899 which are involved in this inquiry are the 2nd, 3rd, 4th, 11th, 13th, 14th, 15th and 16th. The view of the Law Department as to the meaning of these Sections is as follows: Natives in the bona fide and continuous service of farmers do not constitute a location and do not come under the Location Law. Natives who are not in the continuous employment of farmers and who are not (upon an Inspector’s certificate) required for the due working of the farm as mentioned in sections 3 and 11 of the Act, would constitute a location if living on a farm and the owner would have to obtain the certificate of the Civil Commissioner that the consent of the Divisional Council and the Governor had been obtained to the location licence, therefore natives who are not in the bona fide and continuous employment of the farmer and who do not come under the class for which the Divisional Council and Governor’s consent are necessary, but who are bona fide required for the due working of a farm are dealt with in sections 3 and 11, and do not require the consent of the D.C. and Governor and are exempt under section 11 in regard to the payment of the licence fees. They would however constitute a location, and their presence on a farm is subject to the provisions of sections 13, 14, 15 and 16 of the Act. The farmer must under section 13 apply to the Location Inspector to decide how many, if any, he will be allowed on the farm, and if the farmer or his neighbours are dissatisfied with the number so allowed, there is an appeal to the Board as provided in sections 14, 15 and 16. No farmer can have such men on his farm till the Inspector or the Board have decided the question, and if he has such natives on his farm before such decision he is liable to prosecution. Nothing is said in the Act as to the time a farmer may require their services or that they should be under any other control than liable to be called upon at any time to assist in the farming operations. The intention of the Act was
that the farmer should have a ready supply of labour at hand on the farm for its due working and that provided the Inspector or Board was satisfied that not more men resided on the farm than might reasonably be wanted to work it at different times of the year, the rigid provisions of continuous employment should not be applied. These men are however under the Location Law in regard to inspection and register of stock, etc.

VICTOR SAMPSON.
### APPENDIX.

#### [ B. ]

**SHEEP MISSED FROM 1ST MAY, 1905, TO 31ST MAY, 1906, IN Atherstone.**

<table>
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<th>Name of Camp</th>
<th>Average</th>
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<th>Number</th>
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<td></td>
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<td>Nov. 3, &quot;</td>
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<td></td>
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<tr>
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<td>691</td>
<td>May</td>
<td>2</td>
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<tr>
<td></td>
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<tr>
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<td></td>
<td>March, '06</td>
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<tr>
<td><strong>Totals</strong></td>
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### APPENDIX.

**[C.]**

**DETAILS OF LOSSES BY THEFT OF MERINO SHEEP, FROM SIX FLOCKS, of 2,600 SHEEP. A. W. MUNRO, Slaai Kraal, Nr. Grahamstown.**

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<td>&quot; 8</td>
<td>2</td>
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</tr>
<tr>
<td>&quot; 8</td>
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<td>&quot; 28</td>
<td>1</td>
</tr>
<tr>
<td>&quot; 30</td>
<td>5</td>
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<td>&quot; 15</td>
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<td>&quot; 24</td>
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<td>&quot; 15</td>
<td>8</td>
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<td>&quot; 17</td>
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<td>November 10</td>
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<tr>
<td>19</td>
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<td>December 10</td>
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</tr>
<tr>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>&quot; 14</td>
<td>2</td>
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<tr>
<td>&quot; 27</td>
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</tr>
<tr>
<td>1905</td>
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</tr>
<tr>
<td>January 13</td>
<td>7</td>
</tr>
<tr>
<td>February 1</td>
<td>2</td>
</tr>
<tr>
<td>&quot; 19</td>
<td>2</td>
</tr>
<tr>
<td>&quot; 27</td>
<td>1</td>
</tr>
<tr>
<td>March 15</td>
<td>3</td>
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<tr>
<td>April 14</td>
<td>7</td>
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<tr>
<td>&quot; 20</td>
<td>2</td>
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<tr>
<td><strong>Total</strong></td>
<td>107</td>
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</tbody>
</table>

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A. W. MUNRO,
Slaai Kraal, Nr. Grahamstown,
5th July, 1906.
LETTER FROM MR. E. WHITE TO MR. NILAND, M.L.A., RELATING TO LOSSES OF SHEEP, AUGUST, 1905, TO MAY, 1906.

Upper Albany,
Palmiet,
July 6th, 1906.

DEAR SIR,

I send you a copy of my counts of sheep on Hill Camp, taking only sheep unaccounted for:—

August 21st, 1905, 2 sheep short.
31st, 6 " "
September 15th, 5 " "
October 12th, 2 " "
23rd, 1 " "
November 3rd, 3 " "
December 9th, 4 " "
19th, 1 " "
January 10th, 1906, 10 " "
February 12th, 2 " "
March 3rd, 3 " "
24th, 4 " "
April 2nd, 3 " "
May 3rd, 4 " "

I at this date got Detective and on 9th caught 4 men and 1 boy almost redhauned. I have not lost one sheep, unaccounted for, since.

The trial of these men comes off on 16th ult. I sincerely hope the Committee will recommend legislation on this serious question.

Yours, &c.,

E. WHITE.
APPENDIX.

[ E. ]

LETTER FROM G. TOMLINSON TO MR. NILAND, M.L.A., RE LOCATION ACTS.

P.O. Kornap, Lanku,
July 7th, 1906.

DEAR MR. NILAND,

In reply to yours of 30th June, which came to hand this morning, I may say that I have taken some interest in the Location Act because I think unless something is done to check "native farming," or farming with natives, that many districts will be practically native areas. From what we can see, that has been done in Albany, things are not likely to improve without a new Act. The police there went to a lot of trouble and took a registrar of all natives on farms, other than bonâ fide servants, and those exempt under section 10. The owners of these farms paid the licence fee and so the natives remain, which means that all these farms are now practically Licenced Locations.

My opinion of the present Act is that it is not workable either to give justice to the well-to-do native or the farmer.

As a farmer I hold we want no such a thing as a Licenced Location. Let every farmer have as many natives as is necessary for him to work his farm, and let only natives lease land or become native tenants when they have sufficient stock to do so.

Let all natives, who are not bonâ fide servants, pay a small tax to cover the cost of supervision by the inspector.

I hold this can only be worked satisfactorily by a Local Board in each district, and would suggest two members to be elected, one by the Agricultural and the other by the Stock Farmer with two Government Nominees, and the Inspector as Chairman. Let this Board decide all applications for natives to reside on farms, consideration to be given to the amount of stock they own to reside in a stock area or the amount of land to cultivate if they reside on an agricultural farm. This, if acted upon, will do away with the present system of leasing land to natives to reside in stock areas who have not a sufficient number to farm with. As a stock farmer I can see no objection to allow well-to-do natives living amongst us, but I do strongly object to the man with five or six head of cattle being allowed to become tenant farmers in stock areas. I don't think the returns for either this District or Albany will give an average of six head to each native who is at present under the Location Act, to deal with section 10 is also very necessary not that I object to the two natives who pay the £48 or the one who pays the £36.
But it is the permission this gives the owner to pack on as many more as he wishes providing they pay not less than £12. Now, as you know, any native with a few head of cattle will pay the £12 to get a place to squat for himself and his friends. Then there is another important point. That some owners of farms reside in town, and lease their farms or certain rights on them to natives under the Location Act, and these farms become Licenced Locations. Is this for the benefit of brother farmers or for the good of the country? I think not; it would be very much better if these farms were let to a European, but then he would not be able to pay the same rent. I don’t think a native should be allowed to rent on any farm where there is no European resident.

I think I have written enough to give you my views, am sorry that I cannot get away to thrash the matter out with you. But you will clearly see that my idea is: stop this farming with natives, encourage the well-to-do native in stock areas and give the agricultural farmer all he wants, providing he is making good use of them, and not using them as tenant farmers under the cover of extra farm labourers. Make no exceptions, let all pay Hut Tax who are not bona fide servants, and do away with the Licenced Locations. They are no use mixed up with European farmers—we do not draw our servants from them.

I am, with kind regards,

Yours, &c.,

GEO. S. TOMLINSON.

B. Niland, Esq., M.L.A.,
Cape Town.
RETURN BY COMMISSIONER M. B. ROBINSON,
NATIVES ON FARM WHERE PRIVATE  

<table>
<thead>
<tr>
<th>Div.</th>
<th>District</th>
<th>Largest number of Natives on a farm where Private Location is situated</th>
<th>Number of farms leased from private individuals in their entirety</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Komgha</td>
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<tr>
<td>B.</td>
<td>Stutterheim</td>
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<tr>
<td>C.</td>
<td>Queenstown</td>
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<td>..</td>
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<tr>
<td>D.</td>
<td>Molteno</td>
<td>3 2 .14</td>
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<td>E.</td>
<td>Port Beaufort</td>
<td>28 33 109</td>
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<td></td>
<td>Victoria East</td>
<td>..</td>
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<tr>
<td>F.</td>
<td>Somerset East</td>
<td>17 22 52</td>
<td>91</td>
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<tr>
<td></td>
<td>Bedford</td>
<td>39</td>
<td>39</td>
</tr>
<tr>
<td>G.*</td>
<td>Albany</td>
<td>33 20 97</td>
<td>150</td>
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<tr>
<td></td>
<td>Bathurst</td>
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<td>Alexandria</td>
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<tr>
<td>H.*</td>
<td>Bayville</td>
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<tr>
<td>K.</td>
<td>Cradock</td>
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</tr>
<tr>
<td>P.</td>
<td>Barkly West</td>
<td>40</td>
<td>40</td>
</tr>
</tbody>
</table>

* Independent of half-owners.
† Three locations 40 male adults in each.
## APPENDIX.

**C.M.G., SHOWING THE LARGEST NUMBER OF LOCATION IS SITUATED, ETC.**

<table>
<thead>
<tr>
<th>Largest number of Natives on a farm so leased</th>
<th>Number of farms partly leased to Natives</th>
<th>Whether action is taken under section 13, Act 30, of 1899, in case of first application only or generally</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.</td>
<td>F.</td>
<td>C.</td>
</tr>
<tr>
<td>42</td>
<td>210</td>
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<tr>
<td>21</td>
<td>87</td>
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<tr>
<td>5</td>
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<tr>
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